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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 19 सितम्बर, 2003

का०आ० 2788.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हरियाणा राज्य सरकार के गृह विभाग के आदेश सं. 20/3/99-3 एचजी-1 द्वारा प्राप्त हरियाणा राज्य सरकार की सहमति से पुलिस स्टेशन सिविल लाइन्स रोहतक, जिला रोहतक (हरियाणा) में दर्ज मामला एफआईआर सं. 65 दिनांक 31-1-1998 में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 366/511 के अधीन दंडनीय अपराधों और उक्त अपराधों से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और षडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण हरियाणा राज्य पर करती है।

[सं. 228/80/2003-डी.एसपी.ई.]

शुभा ठाकुर, अवर सचिव

2725 GI/2003

(6525)

CABINET SECRETARIAT

New Delhi, the 19th September, 2003

S.O. 2788.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Haryana Home Department, vide order No. 20/3/99-HG-1, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Haryana for investigation of offences punishable under section 366/511 of Indian Penal Code, 1860 (Act No. 45 of 1860) of FIR No. 65 dated 31-1-1998 registered at Police Station Civil Lines Rohtak, District Rohtak (Haryana) and attempt, abetment and conspiracy in relation to or in connection with the said offences or any other offence committed in the course of the same transaction or arising out of the same facts.

[No. 228/80/2003-D.S.P.E.]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 26 सितम्बर, 2003

का०आ० 2789.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 170 पीसीआर 2003 दिनांक 28-08-2003 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री सुब्रामन्या नादर, मुख्य प्रबंधक एवं प्रधान अधिकारी कार्पोरेशन बैंक, 128 न्यू कॉटन मार्केट, हुबली के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 120-बी सपठित धारा 420, 468 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13(2) सपठित धारा 13(1)(डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और पडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/82/2003-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

New Delhi, the 26th September, 2003

S.O. 2789.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 170 PCR 2003 dated 28-8-2003, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences against Shri Subramanya Nadar, Chief Manager and Principal Officer, Corporation Bank, 128 New Cotton Market, Hubli under section 120-B read with 420, 468 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and section 13 (2) read with 13(1) (d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/82/2003-D.S.P.E.]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 26 सितम्बर, 2003

का०आ० 2790.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 171 पीसीआर 2003 दिनांक 29-8-2003 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्रीमती इस्थर सरोजनी अलैक्स, वरिष्ठ अनुभाग पर्यवेक्षक इंदिरानगर एक्सचेंज (इंटरनल), बीएसएनएल, बंगलौर के विरुद्ध

भ्रष्टाचार निवारण अधिनियम 1988 (1988 का अधिनियम सं. 49) की धारा 7, 13(2) सपठित धारा 13(1)(डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और पडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/83/2003-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

New Delhi, the 26th September, 2003

S.O. 2790.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 171 PCR 2003 dated 29-8-2003, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences against Smt. Esther Sarojini Alex, Sr. Section Supervisor, Indiranagar Exchange (Internal), BSNL, Bangalore under Sections 7, 13(2) read with 13(1) (d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/83/2003-D.S.P.E.]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 26 सितम्बर, 2003

का०आ० 2791.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 213 पीसीआर 2002 दिनांक 02-09-2003 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री आर. बी. साहा, शाखा प्रबंधक, स्टेट ट्रेडिंग कार्पोरेशन, चंद्र किरण बिल्डिंग, द्वितीय तल, कस्तूरबा रोड, बंगलौर के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 120-बी सपठित धारा 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13(2) सपठित धारा 13(1)(डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और पडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/84/2003-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

New Delhi, the 26th September, 2003

S.O. 2791.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 213, PCR 2002 dated 2-9-2003, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences against Shri R.B. Saha, Branch Manager, State Trading Corporation, Chandra Kiran Building, II floor, Kasturba Road, Bangalore under Section 120-B read with 420 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/84/2003-D.S.P.E.]

SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 31 जुलाई, 2003

(आयकर)

का.आ. 2792.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “नेशनल इन्स्टीट्यूट ऑफ बैंक मैनेजमेंट, मुम्बई” को वर्ष 2003-04 से 2005-06 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जुवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक

कि ऐसा कारोबार उक्त, कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 186/2003/फा. सं. 197/87/2003-
आयकर नि.1]

आई.पी. एस. बिन्दा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 31st July, 2003

(INCOME TAX)

S.O. 2792.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “National Institute of Bank Management, Mumbai” for the purpose of the said sub-clause for the assessment years 2003-04 to 2005-06 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 186/2003/F.No. 197/87/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

कार्यालय आयुक्त केन्द्रीय उत्पाद एवं सीमा शुल्क

कानपुर, 6 अगस्त, 2003

संख्या 02/2003-कस्टम्स

का.आ. 2793.—सीमा शुल्क अधिनियम, 1962 (1962 की 52) की धारा 8(ए) के तहत मुझ में प्रदत्त शक्तियों का प्रयोग करते हुए और आयुक्तालय की अधिसूचना संख्या 1/96 सीमाशुल्क दिनांक 9 जुलाई, 1996 के अधिक्रमण में, मैं, एच. ओ. तिवारी, आयुक्त केन्द्रीय उत्पाद एवं सीमाशुल्क, कानपुर एतद्वारा तज विव रोड, मोती महल, आगरा (यू.पी.) पिन-282006 के पीछे ईस्ट बैंक आगरा में स्थित इनलैंड कंटेनर डिपो वाले स्थान को आयातित सामान की अनलोडिंग तथा निर्यात सामान की लोडिंग के प्रयोग हेतु मंजूरी प्रदान करता हूँ बशर्ते यह कार्य सीमा शुल्क अधिनियम, 1962 के सुसंगत प्रावधानों तथा उसके अनुसरण में भारत सरकार द्वारा समय-समय पर जारी अनुदेशों की सख्त निगरानी में किया जायेगा।

02. इसके अतिरिक्त सीमा शुल्क अधिनियम, 1962 की धारा 8(बी) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्वारा निम्नांकित एरिया कस्टम्स एरिया के रूप में विनिर्दिष्ट करता हूँ तथा इस संबंध में सीमाओं का निर्धारण भी करता हूँ जो कि आई.सी.डी. ईस्ट बैंक आगरा के लिए निम्न प्रकार है :—

1. कुल एरिया :— 7616 वर्गमीटर जिसमें वेयर हाउस का 2000 वर्ग मीटर कवर्ड एरिया शामिल है।

2. भौगोलिक अवस्थान :—आई.सी.डी. आगरा ईस्ट बैंक में तज विव रोड, मोती महल आगरा के पीछे स्थित है। आई.सी. डी. अध्वांकित चार दीवारियों से घिरा हुआ है :—

सीमाएं :—

(1) उत्तर :—68 मीटर लम्बी तथा 2.75 मीटर ऊंची श्रृंखला से जुड़ी बाड़ जिसमें दक्षिण पूर्व कोने पर 6 मीटर चौड़ा गेट शामिल।

(2) दक्षिण :—68 मीटर लम्बी तथा 2.75 मीटर ऊंची श्रृंखला से जुड़ी बाड़ जिसमें दक्षिण पूर्व कोने पर 6 मीटर चौड़ा गेट शामिल।

(3) पूर्व :—112 मीटर लम्बी 2.75 मीटर ऊंची श्रृंखला से जुड़ी बाड़ जो कि कंटेनर स्टेकिंग यार्ड से लगी हुई है।

(4) पश्चिम :—112 मीटर लम्बी 2.75 मीटर ऊंची बाऊंडरी वाल जिसमें दीवार के ऊपर कांटेदार बाड़ लगी है।

03. यह अधिसूचना दिनांक 11 अगस्त, 2003 से लागू होगी।

[पत्र सं. VIII (4)/134-सी.शु./कनकोर- 98/पार्ट]

एच. ओ. तिवारी, आयुक्त

OFFICE OF THE COMMISSIONER OF CUSTOMS & CENTRAL EXCISE

Kanpur, the 6th August, 2003

No. 02/2003-Customs

S.O. 2793.—In exercise of powers conferred upon me under Section 8(a) of the Customs Act, 1962 (52 of 1962), and in supersession of this Commissionerate's Notification No. I/96-Customs dated 9th July, 1996, I, H.O. Tewari, Commissioner of Customs and Central Excise, Kanpur hereby approve the place comprising the Inland Container Depot located at Agra East Bank, Rear Taj View Road, Moti Mahal, Agra (U.P.) PIN-282006, as a place for Unloading of imported goods and for loading of export goods subject to the strict observance of relevant provisions of the Customs Act, 1962 and other instructions issued by the Government of India from time to time in pursuance thereof.

02. Further, in exercise of the powers conferred under Section 8(b) of the Customs Act 1962, I hereby specify the following area as "Customs Area" and also determine the limits in respect thereof, for the ICD at Agra East Bank, Agra, as under :

1. Total Area : 7616 Sq. meters including covered area of warehouse 2000 Sq. mtrs.

2. Geographical location : The ICD is located at Agra East Bank, Rear Taj View Road, Moti Mahal, Agra. The ICD is enclosed by boundaries as specified below :—

Boundaries :—

- (i) North—68 meter long and 2.75 meter high chain linked fencing including 6 meter wide gate towards the north east corner.
- (ii) South—68 meter and 2.75 meter high chain linked fencing including 6 meter wide gate in the south east corner.
- (iii) East—112 meter long and 2.75 meter high chain linked fencing adjoining the container stacking yard.
- (iv) West—112 meter long and 2.75 meter high boundary wall including barbed wire fencing on top of the wall.

03. This Notification shall come into force w.e.f. 11th August, 2003.

[C. NO. VIII(4)/134-CUS-CONCOR/98/Pt.]

H. O. TEWARI, Commissioner

कानपुर, 11 अगस्त, 2003

सं० 03/2003-सी०शु०

का० आ० 2794.—इस आयुक्तालय से जारी अधिसूचना सं० 02/96 दिनांक 24-7-96 के अधिक्रमण में तथा सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 45(1) के तहत निहित शक्तियों का प्रयोग करते हुए, मैं, एच० ओ० तिवारी आयुक्त सीमा एवं केन्द्रीय उत्पाद शुल्क, कानपुर एतद्वारा कन्टेनर कार्पोरेशन ऑफ इंडिया लिमि० कानपुर को ईस्ट बैंक, रियर ताज बियू रोड के पीछे मोती महल आगरा स्थित इनलैंड कन्टेनर डिपो पर उतारे जाने वाले आयातित माल का अभिरक्षक (कस्टोडियन) नियुक्त करता हूँ। यह अभिरक्षण तब तक लागू रहेगा जब तक कि माल की निकासी घरेलू उपयोग के लिए नहीं की जाती अथवा इससे गोदाम में नहीं रखा जाता है अथवा उक्त अधिनियम के अध्याय VIII के प्रावधानों के अनुरूप उक्त माल को वाहनान्तरित नहीं किया जाता तथा निर्यात हेतु वह माल भी अभिरक्षण में तब तक बना रहेगा जब तक कि उसे निम्नांकित शर्तों के अधीन निर्यात नहीं कर दिया जाता :—

- I. आयात एवं निर्यात आशयित माल के अभिरक्षक के रूप में कन्टेनर कार्पोरेशन ऑफ इंडिया लिमि० से यह अपेक्षा होगी कि वह सीमा शुल्क अधिनियम, 1962 की धारा 45(2) के प्रावधानों तथा इस सम्बन्ध में समय-समय पर जारी नियमों, विनियमों तथा अनुदेशों का पालन करें।
- II. यदि निर्यात के लिए आशयित किसी आयातित माल को लादने व उतारने के बाद कस्टम्स एरिया में उसकी चोरी हो जाती है तथा माल कन्टेनर कार्पोरेशन ऑफ इंडिया लिमि० के अभिरक्षण में हो तो सीमा शुल्क अधिनियम, 1962 की धारा 45(3) के अधीन वर्णित शर्तों के अनुसार उन्हें ऐसे सामान पर देय ड्यूटी अदा करनी पड़ेगी।
- III. कस्टोडियन को आई०सी० डी० में तैनात कस्टम अधिकारियों के कास्ट रिकवरी चार्ज की अदायगी अग्रिम रूप में अर्धवार्षिक आधार पर करना पड़ेगा।
- IV. घाट-शुल्क आयुक्त के द्वारा मंजूर किया जाएगा तथा कस्टोडियन के द्वारा बगैर आयुक्त की मंजूरी के कोई शुल्क न तो लगाया जाएगा न ही वसूल किया जाएगा।
- V. कस्टोडियन को निर्यातित माल को पोर्ट ऑफ शिपमेन्ट तक सुरक्षित रूप से पहुंचाने की जिम्मेदारी भी होगी तथा मार्ग में किसी प्रकार की चोरी, हानि अथवा नुकसान के प्रति भी वह जिम्मेदार होगा।
- VI. सीमा शुल्क द्वारा डिटेन्सन प्रमाण पत्र जारी करने के बाद कस्टोडियन किसी प्रकार का शुल्क नहीं लगाएगा न ही वह कोई विलम्ब शुल्क ही लगा सकेगा।
- VII. कस्टोडियन सामान की उचित प्राप्ति हैंडलिंग तथा रख रखाव के लिए जिम्मेदार होगा तथा वह ऐसे सभी सामान का उचित रिकार्ड रखेगा।

VIII. वह माल जिसकी निकासी घरेलू उपभोग हेतु नहीं की जाती है अथवा उसे गोदाम में नहीं रखा जाता अथवा माल के उतारे जाने के 30 दिन के भीतर आई०सी०डी० में दूसरे वाहन पर नहीं लादा जाता अथवा सक्षम अधिकारी द्वारा दिए गए समय के भीतर वाहनान्तरित नहीं किया जाता अथवा यदि किसी आयातित अथवा निर्यातित माल का टाइटिल समाप्त किया जाता है तो कस्टोडियन द्वारा सीमा शुल्क अधिनियम, 1962 की धारा 48 के तहत ऐसा सामान सीमा शुल्क विभाग के जो सक्षम अधिकारी की अनुमति के बगैर नहीं बेचा जाएगा।

IX. कस्टोडियन यह भी सुनिश्चित करेगा कि आई०सी०डी० आगरा से गेटवे पोर्ट तक माल लाने ले जाने में 5 दिन से अधिक का समय नहीं लगना चाहिए।

[पत्र सं० VIII (4)134-सीमा शुल्क/कानकोर/98 पार्ट]

एच० ओ० तिवारी, आयुक्त

Kanpur, the 11th August, 2003

No. 03/2003-Customs

S.O. 2794.—In supersession of Notification No. 02/96 dated 24-7-1996 issued from this Commissionerate and in exercise of the powers vested under Section 45(1) of the Customs Act, 1962 (52 of 1962). I, H. O. Tewari, Commissioner, Customs and Central Excise Kanpur, hereby appoint Container Corporation of India Ltd. (CONCOR) as the custodian of imported goods landed at Inland Container Depot, East Bank, Rear Taj View Road, Moti Mahal, Agra, until the goods are cleared for home consumption or warehoused or transhipped in accordance with the provisions of chapter VIII of the said Act and also the cargo meant for export till they are exported, subject to following conditions :—

- (i) Container Corporation of India Ltd., as the custodian of the goods meant for import and export would be required to comply with the provisions of Section 45(2) of the Customs Act, 1962 as well as rules and regulations and instructions issued from time to time in this regard.
- (ii) If any imported goods meant for export are pilfered after unloading and loading thereof in the customs area while in the custody of Container Corporation of India Ltd., then, in terms of provisions as laid down under Section 45(3) of Customs Act, 1962, they shall be liable to pay duty on such goods, as applicable.
- (iii) The custodian shall pay the cost recovery charges of customs officers posted in ICD, in advance, on half yearly basis.
- (iv) The wharfage charges shall be approved by Commissioner and no wharfage shall be charged.

or collected by the custodian without the approval of the commissioner.

- (v) The custodian shall also ensure safe transport of export goods to the port of shipment and shall be responsible for any pilferage, loss and damage in transit.
- (vi) The custodian shall not charge or collect any demurrage charges after detention certificate is issued by the Customs.
- (vii) The custodian shall be responsible for proper receipt, handling and storage of goods and also shall maintain proper records of all such goods.
- (viii) The goods which are not cleared for home consumption or warehoused or transhipped within 30 days of unloading thereof at I.C.D. or within such further time as the proper officer may allow or if the title to any imported or export goods is relinquished, shall not be sold under section 48 of Customs Act, 1962 by the custodian unless the permission is sought from the proper officer of Customs.
- (ix) The custodian shall also ensure that the time taken for to and for movement of goods between I.C.D. Agra and Gateway ports should not exceed more than 5 days.

[C. NO. VIII (4) 134-CUS/CONCOR/98/Pl.]

H. O. TEWARI, Commissioner

नई दिल्ली, 13 अगस्त, 2003

(आयकर)

का० आ० 2795.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि रेलवे गुड्स क्लियरिंग एंड फोरवर्डिंग एस्टेब्लिशमेंट लेबर बोर्ड, मुम्बई" को वर्ष 1990-91 से 1992-1993 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात्:—

- (i) कर निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छित अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या : 199/2003/फ. सं. 197/91/2003-आयकर नि.1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th August, 2003

(INCOME TAX)

S.O. 2795.—In exercise of powers conferred by the sub-clause (iv) of clause (23 C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies "*The Railway Goods Clearing & Forwarding Establishment Labour Board, Mumbai*" for the purpose of the said sub-clause for the assessment years 1990-1991 to 1992-1993 Subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 199/2003/F.No. 197/91/2003-ITA-1]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 अगस्त, 2003

(आयकर)

का०आ० 2796.—आयकर अधिनियम 1961 (1961 की 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार द्वारा "गुड्स ट्रांसपोर्ट लेबर बोर्ड, मुम्बई" को वर्ष 1990-91 से 1992-93 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्माथ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 200/2003/फ. सं. 197/89/2003-आ०क०नि०-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th August, 2003

(INCOME TAX)

S.O. 2796.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Goods Transport Labour Board, Mumbai" for the purpose of the said sub-clause for the assessment year 1990-1991 to 1992-1993 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 200/2003/F. No. 197/89/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 22 अगस्त, 2003

(आयकर)

का०आ० 2797.—आयकर अधिनियम 1961 (1961 की 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "प्रजापिता ब्रम्हा कुमारीज ईश्वरीय विश्व विद्यालय, माउंट आबू, राजस्थान" को वर्ष 2003-2004 से 2005-2006 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,

- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 202/2003/फ. सं. 197/95/2003-आयकर नि०-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 22nd August, 2003

(INCOME TAX)

S.O. 2797.—In exercise of powers conferred by the sub-clause (iv) of clause (23 C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "*Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, Mt. Abu, Rajasthan*" for the purpose of the said sub-clause for the assessment years 2003-2004 to 2005-2006 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 202/2003/F. No. 197/95/2003-JTA-1]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 1 सितम्बर, 2003

(आयकर)

का०आ० 2798.—आयकर अधिनियम, 1961 (1961 की 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इंडिया इन्टरनेशनल रूरल क्लचरल सेंटर, नई दिल्ली" को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 207/2003/फ. सं. 197/97/2003-आयकर नि.1]

आई. पी. एस. बिन्द्रा अवर सचिव

New Delhi, the 1st September, 2003

(INCOME TAX)

S.O. 2798.—In exercise of powers conferred by the sub-clause (iv) of clause ((23 C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "*India International Rural Cultural*

Centre, New Delhi for the purpose of the said sub-clause for the assessment years. 2002-2003 to 2004-05 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other-wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 207/2003/F.No. 197/97/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 1 सितम्बर, 2003

(आयकर)

का०आ० 2799.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इन्स्टीट्यूट ऑफ रेल ट्रांसपोर्ट (रजि०) कमरा सं०-17, रेल भवन, रायसीना रोड, नई दिल्ली” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा

(5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 208/2003/फ० सं० 197/100/2003-आयकर नि०1]

आई० पी० एस० बिन्द्रा, अवर सचिव

New Delhi, the 1st September. 2003

(INCOME TAX)

S.O. 2799.—In exercise of powers conferred by the sub-clause (iv) of clause (23 C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “*Institute of Rail Transport (Regd.), Room No. 17, Rail Bhawan, Raisina Road, New Delhi*” for the purpose of the said sub-clause for the assessment years 2002-03 to 2004-05 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 208/2003/F.No. 197/100/2003-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 4 सितम्बर, 2003

(आयकर)

का०आ० 2800.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड [23-ग] के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गोविन्द भवन कार्यालय, कोलकाता" को वर्ष 2004-2005 से 2006-2007 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 211/2003/फा० सं० 197/103/2003-आई०टी०ए० I]

आई० पी० एस० बिन्द्रा, अवर सचिव

New Delhi, the 4th September, 2003

(INCOME TAX)

S.O. 2800.—In exercise of powers conferred by the sub-clause (v) of clause (23 C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Govind Bhavan Karyalya Kolkata" for the purpose of the said sub-clause for the assessment years 2004-05 to 2006-07 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 211/2003/F.No. 197/103/2003-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 4 सितम्बर, 2003

(आयकर)

का०आ० 2801.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80 छ की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "वनमामलाई मठ ननगुनेरी तमिलनाडु" को सम्पूर्ण तमिलनाडु राज्य में एक प्रसिद्ध सार्वजनिक पूजा स्थल जो कि एक ऐतिहासिक महत्व का है, के रूप में उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[अधिसूचना संख्या 212/2003/फा० सं० 176/24/2001-आयकर नि०-1]

देवी शरण सिंह, अवर सचिव

New Delhi, the 4th September, 2003

(INCOME TAX)

S.O. 2801.—In exercise of the powers conferred by the clause (b) of Sub-section (2) of Section 80G of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the '*Vanamamalai Mutt Nanguneri, Tamil Nadu*' to be a place of public worship of renown throughout the State of Tamil Nadu and is of historic importance for the purposes of the said Section.

[Notification No. 212/2003/F.No. 176/24/2001-ITA-I]

DEVI SHARAN SINGH, Under Secy.

नई दिल्ली, 4 सितम्बर, 2003

(आयकर)

का०आ० 2802.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 'द दोहनावुर फेलोशिप दोहनावुर, तिरुनेलवेली-जिला तमिलनाडु' को वर्ष 1998-1999 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 210/2003/फ. सं. 197/101/2003-आई.टी.ए.-I]

आई. पी. एस. बिन्दा, अवर सचिव

New Delhi, the 4th September, 2003

(INCOME TAX)

S.O. 2802.—In exercise of powers conferred by the sub-clause (v) of clause (23 C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the '*The Dohnavur Fellowship, Dohnavur, Tirunelveli Distt., Tamilnadu*' for the purpose of the said sub-clause for the assessment years 1998-1999 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in

accordance with the provisions of the Income-tax Act, 1961;

- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 210/2003/F.No. 197/101/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 9 सितम्बर, 2003

(आयकर)

का.आ. 2803.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ग्रीसरी मार्केट्स एण्ड शॉप्स बोर्ड मुम्बई" को वर्ष 1996-1997 से 1998-1999 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विक्रणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,

- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या 215/2003/फ.सं. 197/94/2003-आई.टी.ए.-I]

आई० पी० एस० बिन्द्रा, अवर सचिव

New Delhi, the 9th September, 2003

(INCOME TAX)

S.O. 2803.—In exercise of powers conferred by the sub-clause (iv) of clause (23 C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies the 'Grocery Markets & Shops Board, Mumbai' for the purpose of the said sub-clause for the assessment years 1996-1997 to 1998-1999 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 215/2003/F.No. 197/94/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 9 सितम्बर, 2003

(आयकर)

का. आ. 2804.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप खंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ग्रोसरी मार्केट्स एण्ड शॉप्स बोर्ड, मुम्बई," को वर्ष 1993-1994 से 1995-1996 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक दंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 216/2003/फा. सं. 197/93/2003-आई.टी.ए.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 9th September, 2003

(INCOME-TAX)

S.O. 2804.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Grocery Markets & Shops Board, Mumbai" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.)

for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 216/2003/F. No. 197/93/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

(स्वापक नियंत्रण ब्यूरो)

नई दिल्ली, 15 सितम्बर, 2003

का. आ. 2805.—स्वापक औषधि एवं मनःप्रभावी पदार्थ अधिनियम, 1985 (1985 का 61) की धारा 36 ग के साथ पठित दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (2) तथा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा स्वापक औषधि एवं मनःप्रभावी पदार्थ अधिनियम, 1985 के तहत श्री ए. एस. सुखीजा, अधिवक्ता को चंडीगढ़ स्थित विशेष न्यायालयों में केन्द्रीय सरकार की ओर से स्वापक नियंत्रण ब्यूरो के मामलों की पैरवी करने के प्रयोजनार्थ उनके द्वारा कार्यभार संभाले जाने की तारीख से तीन वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, विशेष लोक अभियोजक के रूप में नियुक्त करती है :

बशर्ते श्री ए. एस. सुखीजा, अभियोजक उक्त तीन वर्ष की अवधि के दौरान स्वापक औषधि एवं मनःप्रभावी पदार्थ अधिनियम, 1985 के अंतर्गत केन्द्र अथवा राज्य सरकार द्वारा दोषी ठहराए गए किसी अभियुक्त की ओर से बचाव पक्ष के वकील के रूप में उपस्थित नहीं होंगे।

[फा. सं. IV/2/2003-एनसीडी (विधि)]

बी. एल. चौधरी, उप विधि सलाहकार

अनुबन्ध

श्री ए. एस. सुखीजा, अधिवक्ता को विशेष लोक अभियोजक नाते निम्न फीस देय होगी :—

1. नियुक्त व्यक्ति को कोई फीस/मासिक पारिश्रमिक अदा नहीं किया जाएगा।

2. नियुक्त व्यक्ति नीचे दर्शायी गई फीस का पात्र होगा :—

- (क) शिकायत का मसौदा तैयार करने के लिए 150 रु. प्रति मामला
- (ख) प्रभावी सुनवाई के लिए 350 रु. प्रतिदिन प्रति मामला 500 रु. प्रतिदिन एक से अधिक मामले होने पर
- (ग) अप्रभावी सुनवाई के लिए 200 रु. प्रति दिन जो एक मामले में तीन ऐसी सुनवाईयों से अधिक न हो।
- (घ) लिखित राय 200 रु. प्रति मामला
- (ङ.) सम्मेलन प्रभार 150 रु. प्रति सम्मेलन, जो एक मामले में अधिकतम तीन सम्मेलनों तक सीमित होगा।

(Narcotics Control Division)

New Delhi, the 15th September, 2003

S. O. 2805.—In exercise of the powers conferred by sub-section (2) and (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), read with Section 36C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby appoints Shri A.S. Sukhija, Advocate, as Special Public Prosecutor for the purpose of conducting cases of Narcotics Control Bureau on behalf of the Central Government under the Narcotic Drugs and Psychotropic Substances Act, 1985, before the Special Courts at Chandigarh, for a period of three years from the date he assumes charge or until further orders, whichever is earlier :

Provided that Shri A.S. Sukhija, Advocate shall not appear as a Defence Counsel on behalf of any accused booked by the Central or State Government, for an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 during the said period of three years.

[F. No. IV/2/2003-NCD (Legal)]

B. L. CHOUDHARY, Dy. Legal Adviser

ANNEXURE

Fees payable to Shri A.S. Sukhija, Advocate as Special Public Prosecutor will be as under:—

1. No retainer/monthly remuneration will be paid to the appointee.

2. The appointee shall be eligible for the fees as stated below :—

- (a) Drafting Complaint Rs. 150 per case
- (b) For effective hearing Rs. 350 per case per day.
Rs. 500 per day for more than one case.
- (c) For non-effective hearing Rs. 200 per case.

(d) Written opinion Rs. 200 per case.

(e) Conference Charge Rs. 150 per Conference subject to a maximum of 3 Conferences.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 16 सितम्बर, 2003

का. आ. 2806.—महाराष्ट्र राज्य सरकार ने केन्द्र सरकार से अनुरोध किया है कि राज्य वित्तीय निगम अधिनियम, 1951 (1951 का 63) की धारा 32 छ के उपबंध (जिसे इसके बाद उक्त अधिनियम के रूप में उल्लेख किया गया है) राज्य सरकार द्वारा स्थापित संस्था अर्थात् महाराष्ट्र राज्य औद्योगिक और निवेश निगम लिमिटेड (एस आई सी ओ एम) पर लागू किए जाएं। इस संस्था का प्रयोजन औद्योगिक प्रतिष्ठानों का वित्त पोषण करना है;

अतः अब, उक्त अधिनियम की धारा 46 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा निदेश देती है कि उक्त धारा 32 छ के उपबंध महाराष्ट्र राज्य औद्योगिक और निवेश निगम लिमिटेड (एस आई सी ओ एम) पर लागू होंगे।

[फा. सं. 6(9) 2003-आई एफ II]

एम. के. मल्होत्रा, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 16th September, 2003

S.O. 2806.—Whereas the Government of Maharashtra have requested the Central Government that the provisions of Section 32 G of the State Financial Corporations Act, 1951 (63 of 1951) (hereinafter referred to as the said Act) may be made applicable to the State Industrial and Investment Corporation of Maharashtra Limited (SICOM), an institution established by the State Government which has for its object the financing of industrial concerns;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 46 of the said Act, the Central Government hereby directs that the provisions of Section 32 G shall apply to the said State Industrial and Investment Corporation of Maharashtra Limited (SICOM).

[F. No. 6(9)2003-IF. II]

M.K. MALHOTRA, Under Secy.

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 16 सितम्बर, 2003

(आयकर)

का. आ. 2807.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “महाराणा राणा प्रताप स्मारक समिति, मोती मांगरी, उदयपुर” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के

अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उनकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) कि विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 221/2003/फ. सं. 197/108/2003 आयकर नि-1]
आई. पी. एस. बिन्द्रा, अवर सचिव

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 16th September, 2003

(INCOME-TAX)

S.O. 2807.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Maharana Rana Pratap Smarak Samiti, Moti Magri, Udaipur” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 221/2003/F. No. 197/108/2003-ITA-I]

I.P.S. BINDRA, Under Secy

नई दिल्ली, 16 सितम्बर, 2003

(आयकर)

का. आ. 2808.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “गुड्स ट्रान्सपोर्ट सेबर बोर्ड, मुम्बई” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन के स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 222/2003/फ. सं. 197/113/2003 आयकर नि-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 16th September, 2003

(INCOME-TAX)

S.O. 2808.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Goods Transport Labour Board, Mumbai” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 222/2003/F. No. 197/113/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 16 सितम्बर, 2003

(आयकर)

का. आ. 2809.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “महाराष्ट्र स्टेट भारत स्काउट्स एंड गाइड्स, मुम्बई,” को वर्ष 1998-1999 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया

तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैसे-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) कि विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी। -

[अधिसूचना सं. 223/2003/फा. सं. 197/105/2003 आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 16th September, 2003

(INCOME-TAX)

S.O. 2809.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Maharashtra State Bharat Scouts and Guides, Mumbai” for the purpose of the said sub-clause for the assessment years 1998-1999 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the

attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 223/2003/F. No. 197/105/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 24 सितम्बर, 2003

का०आ० 2810.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, आंध्रा बैंक, मुख्य कार्यालय हैदराबाद में लिपिक श्री वी० एस० आर० मोहन रेड्डी को दिनांक 24-9-2003 से तीन वर्ष की अवधि के लिए और उसके बाद उनके उत्तराधिकारी की नियुक्ति होने तक या आंध्रा बैंक के कर्मकार कर्मचारी के रूप में उनकी सेवाएं समाप्त होने तक या अगले आदेशों तक इनमें से जो भी पहले हो, आंध्रा बैंक के निदेशक बोर्ड में कर्मकार कर्मचारी निदेशक के रूप में नामित करती है, परन्तु वे लगातार छह वर्ष से अधिक की अवधि तक पदधारण नहीं करेंगे।

[फा. सं. 15/6/2001-आई आर]

ए० थामस, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 24th September, 2003

S.O. 2810.—In exercise of the powers conferred by clause (e) of Sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri B.S.R. Mohan Reddy, Clerk Andhra Bank, Head Office, Hyderabad as a Workmen Employee Director on the Board of Directors of Andhra Bank for a period of three years with effect from 24-9-2003 and thereafter until his successor is appointed or till he ceases to be a workman employee of Andhra Bank or until further orders, whichever is earliest provided that he shall not hold office continuously for a period exceeding six years.

[File No. 15/6/2001-IR]

A. THOMAS, Under Secy.

(व्यय विभाग)

नई दिल्ली, 24 सितम्बर, 2003

का० आ० 2811.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिकारिता की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के वित्त मंत्रालय (व्यय विभाग) की अधिसूचना सं० का० आ० 1213 तारीख 24 मई, 2000 को उन बातों के सिवाय अधिकृत करते हुए जिन्हें ऐसे अधिकरण से पूर्व किया गया है या करने से लोप किया गया है, नीचे की सारणी के स्तंभ (1) में उल्लिखित अधिकारी को, जो उस सरकार का एक राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित शक्तियों का पालन करेगा, अर्थात् :—

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2
ज्येष्ठ उप महालेखाकार या उस दशा में जहाँ कोई ज्येष्ठ उप महालेखाकार इस प्रकार नियुक्त नहीं किया जाता है, उप महालेखाकार (प्रशासन), कार्यालय महालेखाकार (लेखा परीक्षा और लेखा), उत्तरांचल, देहरादून।	महालेखाकार (लेखा परीक्षा और लेखा), उत्तरांचल, देहरादून के प्रशासनिक नियंत्रण के अधीन परिसर।

[फा. सं. ए-11013/3/2003-ई.जी.]

महेन्द्र कुमार, उप-सचिव

(Department of Expenditure)

New Delhi, the 24th September, 2003

S.O. 2811.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of Government of India in the Ministry of Finance (Department of Expenditure) number S. O. 1213 dated the 24th May, 2000, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being a Gazetted Officer of that Government to be the estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officer by or under the said Act, within the local limits of their jurisdiction in respect of the public premises specified in column (2) of the said Table, namely :—

TABLE

Designation of the officer	Categories of the public premises and local limits of jurisdiction
1	2
Senior Deputy Accountant General or in case where no Senior Deputy Accountant General is so appointed, the Deputy Accountant General (Administration), Office of the Accountant General (Audit and Accounts), Uttaranchal, Dehradun.	Premises under the administrative control of the Accountant General (Audit and Accounts), Uttaranchal, Dehradun.

[F. No. A-11013/3/2003-EG]
MAHENDRA KUMAR, Dy. Secy.

(राजस्व विभाग)

(सेन्ट्रल इकॉनामिक इंटेलीजेन्स ब्यूरो)

आदेश

नई दिल्ली, 25 सितम्बर, 2003

का० आ० 2812.---अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं० 673/27/2003 - सी०यू०एस० VIII दिनांक 22-8-2003 को जारी किया और यह निर्देश दिया कि श्री संजीव जैन, सुपुत्र श्री आर० एल० जैन, निवासी डब्ल्यू. जेड.-101, मीनाक्षी गार्डन, तिलक नगर, नई दिल्ली-110018 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार, के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के सम्मुख उपस्थित हो।

[फा०सं० 673/27/2003-सी०यू०एस० VIII]

वी० के० खन्ना, अवर सचिव (कोफेपोसा)

(Department of Revenue)

CENTRAL ECONOMIC INTELLIGENCE BUREAU

ORDER

New Delhi, the 25th September, 2003

S. O. 2812.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order

F.No.673/27/2003-Cus.VIII dated 22-08-2003 under the said Sub-section directing that Shri Sanjeev Jain, S/o Shri R.L. Jain, R/o WZ-101, Meenakshi Garden, Tilak Nagar, New Delhi-110018 be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F.No. 673/27/2003-Cus.VIII]

V.K. KHANNA, Under Secy. (KOFEPUSA)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 29 सितम्बर, 2003

का०आ० 2813.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा भारतीय यूनिट ट्रस्ट के अध्यक्ष श्री एम० दामोदरन को, भारतीय औद्योगिक विकास बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री पी० पी० वीरा की अधिवर्षिता के परिणामस्वरूप दिनांक 1-10-2003 से भारतीय औद्योगिक विकास बैंक के निदेशक के पद पर नियुक्त करती है। इसके अतिरिक्त सरकार ने यह निर्णय लिया है कि श्री एम० दामोदरन दिनांक 1 अक्टूबर, 2003 से पदभार ग्रहण करने तक या अगले आदेश होने तक, जो भी पहले हो, अपनी स्वयं के कार्य के अतिरिक्त भारतीय औद्योगिक विकास बैंक के अध्यक्ष एवं प्रबंध निदेशक के पद का कार्यभार भी संभालेंगे।

[एफ० सं० 24(4)/2003-आई०एफ०-1]

बी० डी० बेरवाल, अवर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 29th September, 2003

S.O. 2813.—In exercise of the powers conferred by clause (a) of Sub-section (1) of Section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby appoint Shri M. Damodaran, Chairman, UTI as a Director on the Board of Directors of Industrial Development Bank of India with effect from 1-10-2003 consequent on the superannuation of Shri P.P. Vora, CMD. IDBI. Further, the Government have decided that Shri M. Damodaran will hold concurrent charge of the post of Chairman and Managing Director of IDBI in addition to his own duties with effect from 1st October, 2003 till the new incumbent joins or till further orders, whichever is earlier.

[F. No. 24(4)/2003-IF-1]

B.D. BERWAL, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 23 सितम्बर, 2003

का.आ. 2814.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के खण्ड (ग) के अनुसरण में निम्नलिखित व्यक्तियों को भारतीय दन्त चिकित्सा परिषद में निर्वाचित किया गया है :—

- (i) डॉ. वी. वी. सुब्बा रेड्डी
- (ii) डॉ. एन. श्रीधर शेट्टी
- (iii) डॉ. बी. एच. श्रीपती राव

2. अतः, अब उक्त अधिनियम की धारा 6 की उप-धारा (1) के साथ पठित धारा 3 के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा भारत सरकार के स्वास्थ्य एवं परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की दिनांक 24 जनवरी, 1984 की अधिसूचना संख्या का. आ. 430 में निम्नलिखित संशोधन करती है, अर्थात् :—

“दन्त चिकित्सक अधिनियम, 1948 की धारा 3 (ग) के अन्तर्गत निर्वाचित” शीर्षक के अन्तर्गत क्रम संख्या 1, 2 तथा 3 के सामने निम्नलिखित प्रविष्टियाँ प्रतिस्थापित की जाएंगी :

1.	डॉ. वी. वी. सुब्बा रेड्डी, प्राचार्य, कालेज ऑफ डेंटल साइंसेज, दावनगिरी (कर्नाटक)	निर्वाचित	राज्यों के दन्त चिकित्सा कालेजों के प्राचार्य, डीन, निदेशक तथा उप निदेशक तथा राज्यों के मेडिकल कालेजों के दन्त चिकित्सा विंगों के अध्यक्ष	7-7-2003
2.	डॉ. एन. श्रीधर शेट्टी, डीन, ए. बी. मेमोरियल इंस्टीट्यूट ऑफ डेंटल साइंसेज, नित्यानन्द नगर, मंगलौर (कर्नाटक)	निर्वाचित	—तदैव—	7-7-2003
3.	डॉ. बी. एच. श्रीपति राव, प्राचार्य, येनेपोया डेंटल कालेज, नित्यानन्द नगर, मंगलौर (कर्नाटक)	निर्वाचित	—तदैव—	7-7-2003

[सं. वी.-12013/5/2003-पी. एम. एस.]

एस. के. राव, निदेशक

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 23rd September, 2003

S.O. 2814.—Whereas, in pursuance of Clause (c) of Section 3 of the Dentists Act, 1948 (16 of 1948), the following people have been elected to the Dental Council of India :

- (i) Dr. V. V. Subba Reddy
- (ii) Dr. N. Sridhar Shetty
- (iii) Dr. B. H. Sripathi Rao

2. Now, therefore in pursuance of Clause (c) of Section 3 read with Sub-section (1) of Section 6 of the said Act, the Central Government hereby makes the following amendments in the notification of the Government of India, in the Ministry of Health and Family Welfare (Department of Health) No. S.O. 430 dated 24th January, 1984 namely :—

Against serial Nos. 1, 2 and 3 under the heading ‘Elected u/s 3 (c) of the Dentists Act, 1948 the following entries shall be substituted:

1.	Dr. V. V. Subba Reddy Principal, College of Dental Sciences, Davangere (Karnataka)	Elected	Principals, Deans, Directors and Vice Principals of Dental Colleges in the States and Heads of Dental Wings of Medical Colleges in the States.	7-7-2003
2.	Dr. N. Sridhar Shetty, Dean, AB Memorial Institute of Dental Sciences, Nithyananda Nagar, Mangalore (Karnataka)	Elected	—Do—	7-7-2003
3.	Dr. B. H. Sripathi Rao, Principal, Yenepoya Dental College, Nithyananda Nagar, Mangalore (Karnataka).	Elected	—Do—	7-7-2003

[No. V-12013/5/2003-PMS]

S. K. RAO, Director

परमाणु ऊर्जा विभाग

मुंबई, 28 अगस्त, 2003

का०आ०. 2815.—केंद्र सरकार, सार्वजनिक परिसर (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार एतद्वारा दिनांक 31-5-1997 को प्रकाशित किए गए भारत के राजपत्र के भाग II, खंड 3, उपखंड (ii) के का.आ. सं. 1442 के दिनांक 24 अप्रैल, 1997 की अधिसूचना सं. 5/7(12)/96-एसयूएस/275 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी के स्थान पर निम्नलिखित सारणी रखी जाएगी, अर्थात् :—

सारणी

अधिकारी का पदनाम	सार्वजनिक परिसर की श्रेणियाँ तथा स्थानीय सीमाओं का क्षेत्राधिकार
1	2
प्रशासन अधिकारी-III नाभिकीय ईंधन सम्मिश्र परमाणु ऊर्जा विभाग, भारत सरकार ईसीआईएल पोस्ट हैदराबाद-500 062 आंध्रप्रदेश राज्य	जिला-रंगा रेड्डी, आंध्रप्रदेश राज्य में परमाणु ऊर्जा विभाग भारत सरकार के स्वामित्व वाले या उसके प्रशासनिक नियंत्रणाधीन परिसर

[सं. 5/7(12)/96-एसयूएस/363]

टी. एन. नायर, अवर सचिव

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 28th August, 2003

S.O. 2815.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the Notification No. 5/7(12)/96-SUS/275 dated April 24, 1997 of the Government of India, Department of Atomic Energy published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 31-5-1997 against S.O. No. 1442 namely :—

In the said notification, for the Table, the following Table shall be substituted, namely :—

TABLE

Designation of the Officer	Categories of Public Premises and local limits of jurisdiction
1	2
Administrative Officer-III Nuclear Fuel Complex Department of Atomic Energy Govt. of India ECIL Post Hyderabad-500 062 Andhra Pradesh State.	Premises belonging to or under the administrative control of the Department of Atomic Energy, Govt. of India, in Ranga Reddy District, Andhra Pradesh State.

[No. 5/7(12)/96-SUS/363]

T. N. NAIR, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

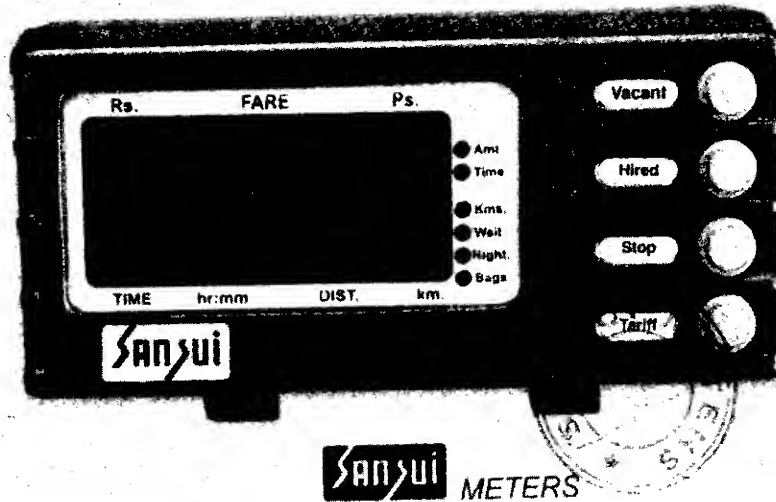
(उपभोक्ता मामले विभाग)

नई दिल्ली, 24 सितम्बर, 2003

का. आ. 2816.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सनसुई मीटर्स, 89/1, भवानी पथ, नार्थ ब्लॉक, घसेटी पुल के पास, पुणे-411042 द्वारा विनिर्मित "सनसुई-2002" श्रृंखला के अंकक सूचन (टैक्सी मीटर) के माडल का, जिसके ब्रांड का नाम "सनसुई" है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/134 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

SANSUI ELECTRONIC DIGITAL FAREMETER



स्टॉपिंग प्लेट को सीलबंद करने के अतिरिक्त अनाचार के लिए पल्स जनरेटर केबल तथा किराया मीटर को खोलने से रोकने के लिए सीलबंद किया जा सकता है। यह माडल एक टैक्सी मीटर है जिसमें दूरी और समय मापक युक्ति सहित अंकक सूचक समाविष्ट है। यह निरंतर योग करता है तथा मात्रा के किसी क्षण में यात्री द्वारा संदेय प्रभार उपदर्शित करता है। संदेय किराया, कतिपय विनिर्दिष्ट गति से ऊपर तय की गई दूरी और विनिर्दिष्ट गति से नीचे मात्रा के दौरान बीते हुए समय का फलनक है। मीटर का पठन सात खंडीय प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा उपदर्शित किया जाता है और विद्युत प्रदाय डी सी 8 वोल्ट-16 वोल्ट है।

[फा. सं. डब्ल्यू. एम. 21(79)/2002]

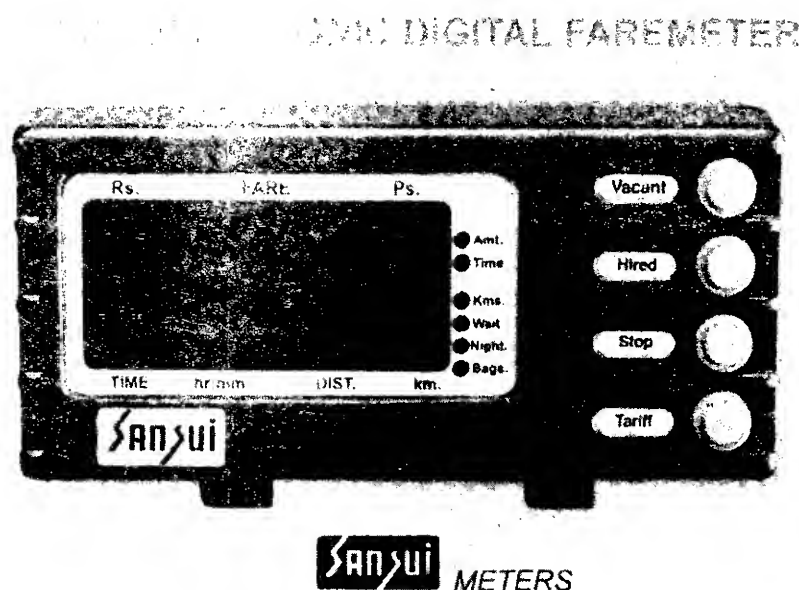
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 24th September, 2003

S. O. 2816.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of a Taxi Meter with digital indication of SANSUI-2002 series with brand name "SANSUI" (herein referred to as the model), manufactured by M/s Sansui Meters, 89/1, Bhawanipeth, North Block, Near Ghaseti Pool, Pune-41 1042 and which is assigned the approval mark IND/09/2002/134;



In addition to stamping plate, the sealing may be done to prevent opening of the pulse generator, cable and the fare meter for malpractice.

The model is a Taxi Meter with digital indication incorporated with a distance and time measuring device. It totalizes continuously and indicates at any moment of the journey, the charges payable by the passenger. The fare to pay is a function of the distance travelled above a certain specified speed and the time elapsed below specified speed during the journey. The reading of the meter is indicated by seven segment Light Emitting Diode (LED) and power supply is DC 8V-16V.

[F.No. WM-21(79)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

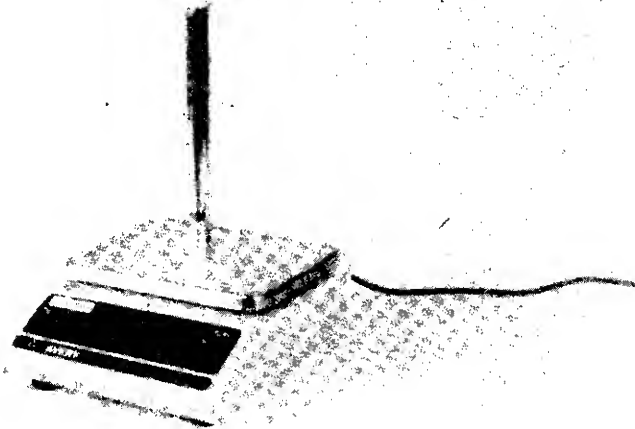
का. आ. 2817.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एवरी इंडिया लिमिटेड, प्लॉट सं. 50-54, सेक्टर 25, वल्लभगढ़-121004 (हरियाणा) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एफ-200" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके ब्रांड का नाम "एफ 200 डिजिटल इंडिकेटर" है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/133 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल दाब गेज भार सेल आधारित यथार्थता वर्ग (यथार्थता वर्ग-III) अस्वचालित (टेबल टाप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 6 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव क्रिस्टल डायोड (एल सी डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए भी सील बन्दी की जानी चाहिए।

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और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उस निम्नलिखित डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 म.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उसके अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल संख्या सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^0 के 2×10^0 के या 5×10^0 के हैं जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम. 21(292)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

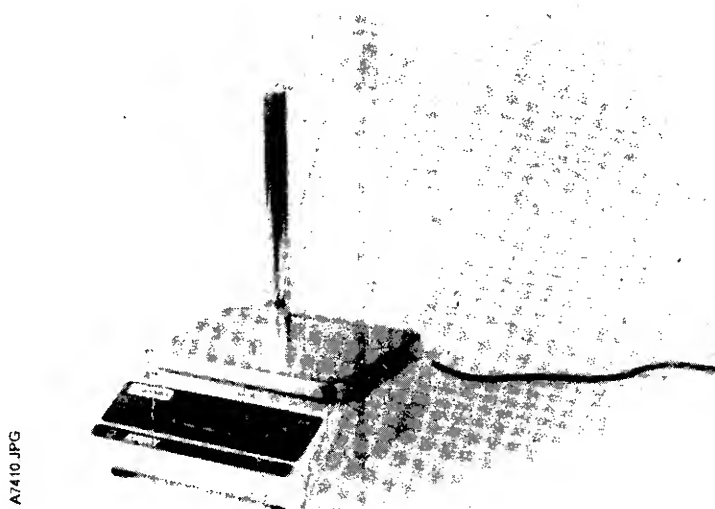
New Delhi, the 24th September, 2003

S. O. 2817.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the non-automatic weighing instrument (table top type) with digital indication belonging to medium accuracy (accuracy class-III) of 'F-200' series with brand name "F200 DIGITAL INDICATOR" (hereinafter referred to as the model), manufactured by M/s. Avery India Limited, Plot No. 50-54, Sector 25, Ballabgarh-121004 (Haryana) and which is assigned the approval mark IND/09//2002/133;

The said model is strain gauge type load cell based non-automatic weighing instrument (table top type). The maximum capacity is 6 kg and minimum capacity 40 g. The value of verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing result. the instruments operates on 230V, 50 Hz. alternative current power supply.

In addition to sealing the stamping plate, the sealing has to be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government declares that this certificate approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval(n) in the range of 100 to 10000 for 'e' value of 100 mg to 2g and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^K , 2×10^K or 5×10^K , K being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. WM-21(292)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2818.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ईगल टेक्नोलॉजीज, डी. सं. 14-4/203/6, ग्लोबल काम्प्लेक्स, दुकान सं. 8, रायतू बाजार के सामने, आर.टी.सी. बस स्टैंड के पास, गुंटूर-522001 (आंध्र प्रदेश) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डीएलपी-459" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डालफिन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/221 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल दाब गेज भार सेल आधारित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले अधिकतम क्षमता 30 कि. ग्रा., न्यूनतम क्षमता 100 ग्रा. के अंकीय उपदर्शन सहित अस्वचालित (टेबल टॉप प्रकार) का तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए भी सील बन्दी भी की जानी चाहिए।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उस सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल संख्या सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , या 5×10^{-6} के हैं जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम. 21(49)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th September, 2003

S. O. 2818.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of, non-automatic weighing instrument (table top type) with digital indication (hereinafter referred to as the said model), belonging to medium accuracy class (accuracy class-III) and "DLP-459" series with brand name "DOLPHIN", manufactured by M/s. Eagle Technologies, D.No. 14-4/203/6, Global Complex, Shop No. 8, Opposite Raitu Bazar, Near R.T.C. Bus Stand, Guntur-522001 (A.P.) and which is assigned the approval mark IND/09/2003/221;

The said model is strain gauge type load cell based non-automatic weighing instrument (table top type) with digital indication of maximum capacity 30 kg., minimum capacity is 100g. and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 5g. The display unit is of light emitting diode type. The instrument operates on 230V, 50 Hertz alternative current power supply.

In addition to scaling the stamping plate, sealing should also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government declares that this certificate approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 5,00 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model have been manufactured.

[F. No. WM-21(49)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

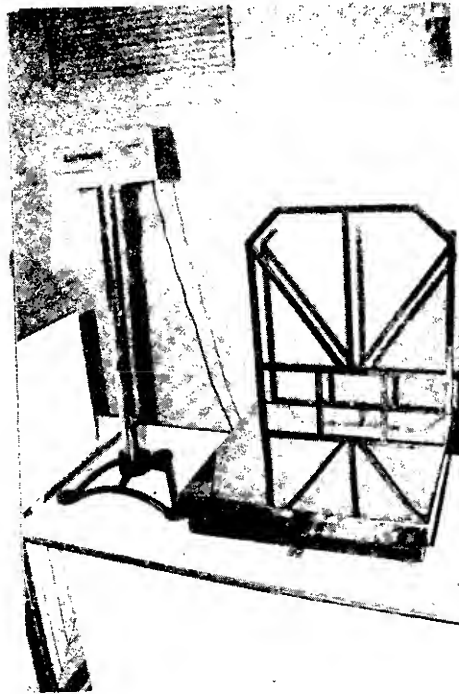
नई दिल्ली, 24 सितम्बर, 2003

का. आ. 2819.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ईगल टेक्नोलॉजीज, डी. सं. 14-4/203/6, ग्लोबल काम्प्लेक्स, दुकान सं. 8, रायतू बाजार के सामने, आर.टी.सी. बस स्टैंड के पास, गंदूर-522001 (आंध्र प्रदेश) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डीएलपी-369” श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “डालफिन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/222 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल दाब गेज भार सेल आधारित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले अधिकतम क्षमता 300 कि.ग्रा, न्यूनतम क्षमता 1 कि. ग्रा. के अंकीय उपदर्शन सहित अस्वचालित (प्लेट फार्म प्रकार) का तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए भी सील बन्दी भी की जानी चाहिए।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उस सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल संख्या सहित 50 कि.ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम. 21(49)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

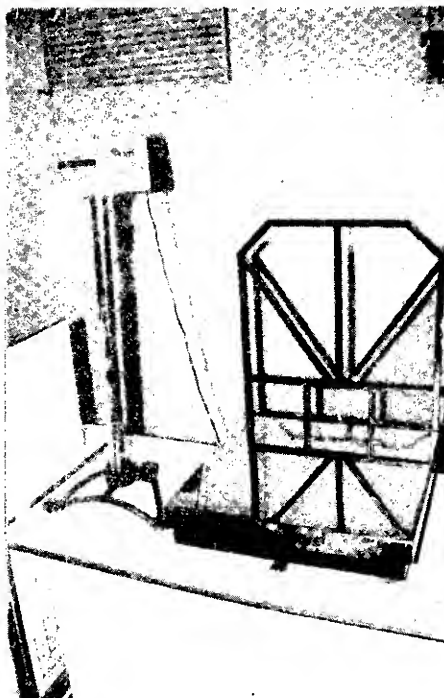
New Delhi, the 24th September, 2003

S. O. 2819.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of, non-automatic weighing instrument (Platform type) with digital indication (hereinafter referred to as the said model), belonging to medium accuracy class (accuracy class-III) and "DLP-362" series with brand name "DOLPHIN", manufactured by M/s. Egale Technologies, D.No. 14-4/203/6, Global Complex, Shop No. 8, Opposite Rastu Bazar, Near R.T.C. Bus Stand, Guntur-522001 (A.P.) and which is assigned the approval mark IND/09/2003/222;

The said model is strain gauge type load cell based non-automatic weighing instrument (Platform type) with digital indication of maximum capacity 300 kg., minimum capacity is 1 kg and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 50g. The display unit is of light emitting diode type. The instruments operates on 230V, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, the sealing should also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 1000kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with the number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

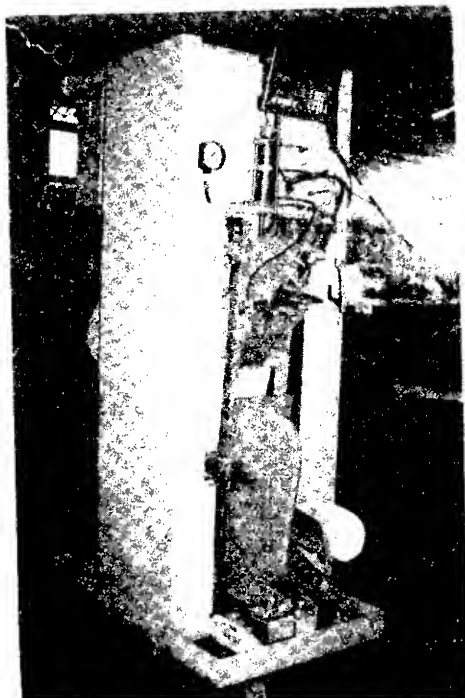
[F. No. WM-21(49)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

का. आ. 2820.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करना रहेगा ;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विपिन चन्द्र ट्रेडिंग कारपोरेशन, नूतन केमिकल कम्पाउन्ड, वाल भट रोड, गोरेगांव (पू.), मुम्बई-400063 द्वारा विनिर्मित "वी आई पी-1" को तोलन और बोरान्दी (एकल स्पाउट) मशीन के माडल का, जिसके ब्रांड का नाम "विपिन चन्द्र" है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/02/139 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



उक्त माडल 2 से 5 बैग प्रति मिनट की निर्गम क्षमता सहित 10 कि. ग्रा. से 100 कि. ग्रा. तक की रेंज की भार सेल आधारित एकल स्पाउट सहित स्वचालित भरण मशीन है। इसका उपयोग मुक्त प्रवाह वाले ठोस उत्पाद जैसे चाय, भसाले, उर्वरक, रसायन, प्लास्टिक चिप, पशुओं का चारा, अनाज इत्यादि के लिए होता है।

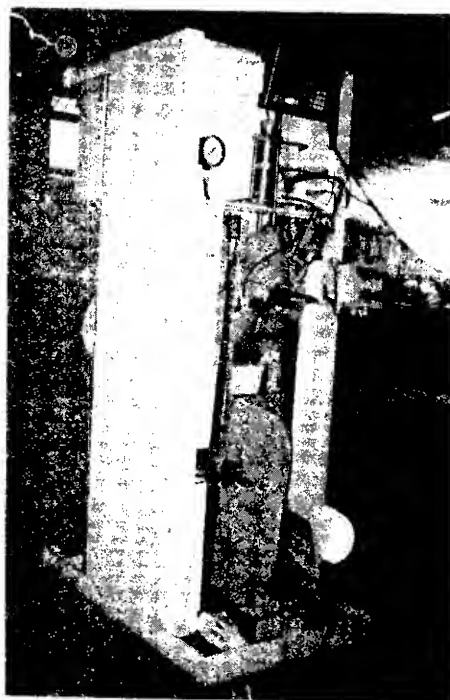
[फा. सं. डब्ल्यू एम-21(146)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th September, 2003

S. O. 2820.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of the Automatic Weighing and Bagging Machine (Single Spout) of VIP-1 with brand name "VIPINCHANDRA" (hereby referred to as the model) manufactured by M/s. Vipinchandra Trading Corporation, Nutan Chemical Compound, Walbhat Road, Goregaon, (East), Mumbai -400 063 and which is assigned the approval mark IND/09/02/139;



The said Model is an automatic filling machine with single spout based on loadcell having a range of 10 kg to 100 kg with an output of 2 to 5 bags per minute. It is used for free flowing solid product such as tea, spices, fertilizers, chemical, plastic chips, animal feeds, cereals, etc.

[F. No. WM-21(146)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology.

नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2821.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उम्मे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रीसाइसा इन्स्ट्रुमेन्ट्स इन्डस्ट्रीज, 55, प्रथम तल यूनाती एस्टेट मधु सूदन रोडिंग मिल्स के निकट, नरोदा, अहमदाबाद द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग 2) वाले "पी आर एच" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके ब्रांड का नाम "प्रीसाइसा" है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/227 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (दी गई आकृति देखें) दाब गेज प्रकार भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. अंकीय उपदर्शन के साथ है जो उच्च यथार्थता वर्ग (यथार्थता वर्ग-2) का है। सत्यापन मापमान अन्तराल (ई) का मान 10 मि. ग्रा. है। प्रदर्श यूनिट प्रकाश उत्सर्जन डायोड (एल ई डी) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए भी सील बन्द की गई है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त कि "इन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मान अन्तराल (एन) की संख्या सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं "के" धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(68)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th September, 2003

S.O. 2821.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 35 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of non-automatic weighing instrument (table top type) with digital indication (herein referred to as the Model) belonging to high accuracy class (accuracy class-II) and 'PRH' series with brand name "PRECISA", manufactured by M/s. Precisa Instrument Industries, 5th Floor, Unnati Estate, Near Madhusudhan Rolling Mills, Naroda, Ahmedabad, and which is assigned the approval mark IND/09/2003/227.

The said Model (See the figure given) is a strain gauge type load cell based non automatic weighing instrument (table top type) with digital indication of maximum capacity 300g, minimum capacity 200mg and belonging to high accuracy class (accuracy class-II). The value of verification scale interval 'e' is 10mg. The display unit is of light emitting diode type. The instrument operates on 230V, 50 Hertz alternate current power supply. In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50mg and with the number of verification scale interval (n) in the range 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(68)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology.

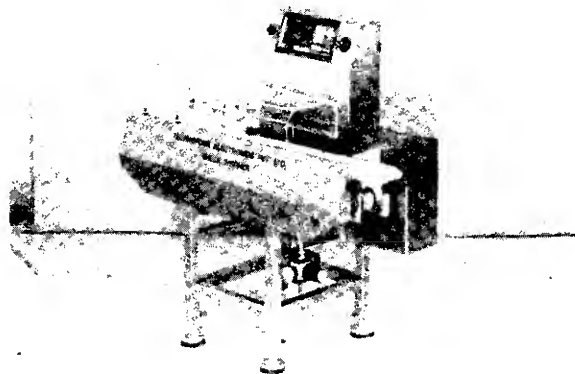
नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2822.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टेक्नोफोर इलेक्ट्रॉनिक्स प्रा. लि., 45 अम्बेडकर रोड, संगम ब्रिज के पास पूणे-411001, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "सी डब्ल्यू-1200" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "टेपल" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/242 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल दाब गेज भार सेल आधारित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाला अधिकतम क्षमता 1 कि. ग्रा. और न्यूनतम क्षमता 10 ग्रा. के अंकक सूचन सहित तोलन उपकरण है। सत्यापन मापमान अंतराल (ई) का मान 0.2 ग्रा. है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबंद किया गया है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मिली. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल संख्या सहित 20 ग्रा. से 10 कि. ग्रा. की रेंज वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ हैं, जो धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(89)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th September, 2003

S.O. 2822.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of, non-automatic weighing instrument with digital indication of High accuracy class (accuracy class-II) (herein referred to as the Model) of "CW-1200" series with brand name "TEPL", manufactured by M/s Technofour Electronics Pvt Ltd, 45 Ambedkar Road, Near Sangam Bridge, Pune-411001 Maharashtra and which is assigned the approval mark IND/09/2003/242

The said Model is a strain gauge type load cell based non-automatic weighing-cum instrument of High accuracy class (accuracy class-II) with digital indication of Maximum capacity of 1kg and minimum capacity 10g. The value of verification scale interval (e) is 0.2g. The display unit is of light emitting diode type. The instruments operates on 230V, 50Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing is done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 20g to 10kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved Model has been manufactured.

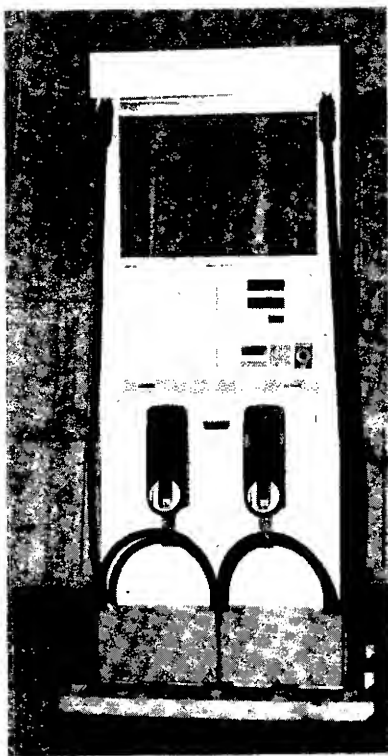
[F. No. WM-21(89)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2823.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टाटसुनो कारपोरेशन, जापान द्वारा विनिर्मित और भारत में मैसर्स आयलको सर्विसेस (इंडिया) लि., 8, सुलेमान चेम्बर्स, 4, बैटरी स्ट्रीट, कोलाबा, मुंबई-400039, महाराष्ट्र द्वारा प्रस्तुत "नियोसनी" शृंखला के FM1007 अंकक सूचन (वितरक पम्प) के मॉडल का, जिसके ब्रांड का नाम "टाटसुनो" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन विह्व आई एन डी/09/2003/237 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



स्टॉम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, कपटपूर्ण व्यवहार को रोकने के लिए भी मीटर यूनिट को सीलबंद किया गया है और जोड़ा गया है।

उक्त मॉडल (दी गई आकृति देखें) एक अंकीय प्रदर्श सहित अवगाहन-क्षम प्रकार का वितरक पम्प है जिसमें समायोजन के लिए अंशशोधन पहिया के लिए घनात्मक विस्थापन मीटर की व्यवस्था है। संप्रेक्षित अधिकतम बहाव दर 45 लीटर प्रति मिनट है। इसमें घन और आयतन के लिए पूर्ण सेट की गई युक्ति है। प्रदर्श द्रव क्रिस्टल प्रदर्श प्रकार का है। अधिकतम आयतन और मूल्य प्रदर्श 6 अंकों में और लघुतम प्रदर्श 1 मिली. है, उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

[फा. सं. डब्ल्यू. एम.-21(78)/2002]

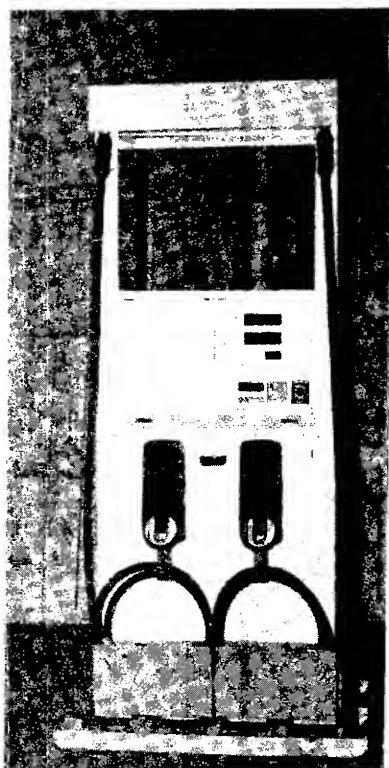
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th September, 2003

S.O. 2823.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of Dispensing Pump with digital indication (herein referred to as the Model) of "New Sunny" series FM 1007 with brand name "TATSUNO", manufactured by M/s. Tatsuno Corporation Japan and represented in India by M/s Oilco Services (India) Ltd. 8, Suleman Chambers, 4 Battery Street, Colaba, Mumbai-400039, Maharashtra and which is assigned the approval mark IND/09/2003/237;

In addition to sealing the stamping plate, sealing is also done on the Metering unit and totalizer to prevent the fraudulent practices.



The said Model (See the figure given) is a submersible type dispensing pump with digital display having a positive displacement meter provided for calibration wheel for adjustment. The maximum flow rate observed is 45 liter per minute. It has preset device for money and volume. The display is of liquid crystal display (LCD) type. The maximum volume and price display is in 6 digits and the smallest display is 1ml. The instruments operates on 230V, 50 Hertz alternate current power supply.

[F. No. WM-21(78)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

का०आ० 2824.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मगनलाल एण्ड संस, 54, विरवानी इंडस्ट्रियल इस्टेट, वेस्टर्न एक्सप्रेस हाइवे, गोरे गांव (पू.) मुंबई-400063 द्वारा विनिर्मित "एम एस" शृंखला की स्वचालित भरण मशीन (द्रव पूरक) के मॉडल का, जिसके ब्रांड का नाम "अल्ब्रो" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/187 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) स्वचालित भरण मशीन (द्रव पूरक) है। इसकी अधिकतम क्षमता 15 कि. ग्रा. और न्यूनतम क्षमता 5 कि. ग्रा. तुल्य आयतन है। इसकी अधिकतम पूरण दर 2 से 5 थैली प्रति मिनट है। इस मशीन को मुक्त प्रवाह वाले द्रव उत्पादों जैसे खनिज जल, दूध, पेय, रस, खाद्य तेल, वनस्पति घी, शैम्पू, केश तेल, द्रव डिटरजेंट आदि को भरने के लिए डिजाइन किया गया है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की स्वचालित भरण मशीन होगी जो 5 कि. ग्रा. से 25 कि. ग्रा. या तुल्य आयतन की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम-21(105)/2002]

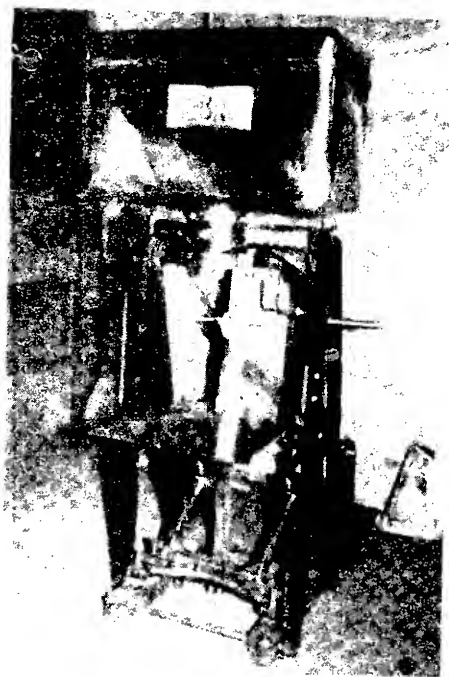
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th September 2003

S.O. 2824.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model automatic filling machine (liquid filler) of 'MS' series with brand name "ALBRO" (herein referred to as the said Model), manufactured by M/s. Maganlal & Son's, 54, Virvani Industrial Estate, Western Express Highway, Goregaon (E), Mumbai-400063 and which is assigned the approval mark IND/09/03/187;

The said Model (see the figure given) is an automatic filling machine (liquid filler). Its maximum capacity is 15kg and minimum capacity is 5kg or equivalent volume. It has a maximum fill rate of 2 to 5 pouches per minute. The machine is designed for filling free flowing liquid products like mineral water, milk beverage, juice, edible oil, vanaspathi, ghee, shampoo, hair oil, liquid detergent etc.



Further, in exercise of the powers conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the automatic filling machine of similar make, accuracy and performance for the same series with the maximum capacity in the range of 5kg to 25 kg or equivalent volume manufactured by the same manufacturer in accordance with the same principle, designed and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(105)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

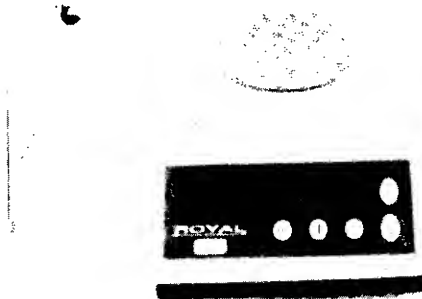
नई दिल्ली, 24 सितम्बर, 2003

का०आ० 2825.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रायल डिजीटल स्केल, 302/303, संस्कार-II, केशव पेट्रोल पम्प के पास पॉलीटेकनिक रोड, अम्बावाडी, अहमदाबाद-380015 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "आर एस-II" श्रृंखला के अस्वचालित, तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रायल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/177 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (दी गई आकृति देखें) दाब गेज भार सेल आधारित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले अधिकतम क्षमता 300 ग्राम., न्यूनतम क्षमता 200 मि.ग्रा. के अंकीय उपदर्शन सहित भार सेल के सिद्धान्त पर कार्य करने वाला अस्वचालित (टेबल टाप प्रकार) का तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) का मान 10 मि.ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए भी सील बन्दी की गई है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन या बी एक्स वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) 1 मि.ग्रा. से 50 मि.ग्रा. के "ई" मान के लिए 100 से 50000 की रेंज में है तथा 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50000 की रेंज में है तथा जिनका "ई" मान 1×10^3 के 2×10^3 के या 5×10^3 के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम 21(62)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

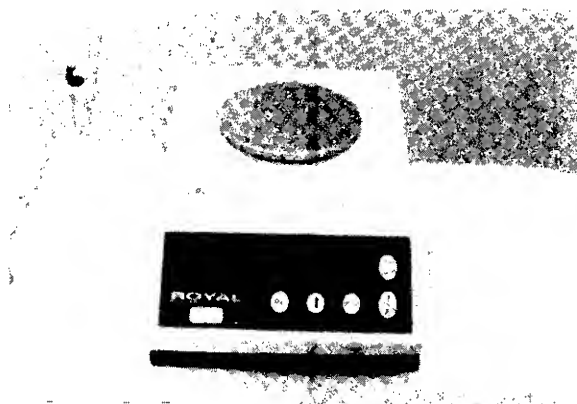
New Delhi, the 24th September, 2003

S.O. 2825.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby issues publishes the certificate of approval of the Model of, non-automatic weighing instrument (table top type) with "RS-II" series belonging to high accuracy (accuracy class-II) and with brand name "ROYAL" (herein referred to as the Model), manufactured by M/s. Royal Digital Scale, 302/303 Sanskar-II, Nr. Ketav Petrol Pump, Polytechnic Road, Ambawadi, Ahmedabad-380015 and which is assigned the approval mark IND/09/2003/177:

The said Model (see the figure given) is a strain gauge type load cell based non-automatic weighing instrument (table top type) working on the principle of load cell with digital indication of maximum capacity 300g., minimum capacity 200mg and belonging to high accuracy class (accuracy class-II). The value of verification scale interval 'e' is 10mg. The display unit is of light emitting diode (LED) type. The instruments operates on 230V, 50Hz alternative power supply.

In addition to sealing the stamping plate sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg. to 50mg. and with the number of verification scale interval (n) in the range 5000 to 50000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(62)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

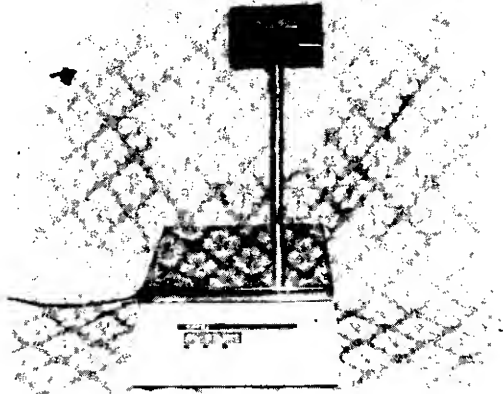
नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2826.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रायल डिजीटल स्केल, 302/303, संस्कार-II, केशव पट्टोल पम्प के पास, पॉलीटेक्निक रोड, अम्बावाडी, अहमदाबाद-380015 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "आर एस-III" शृंखला के अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रायल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/178 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (दी गई आकृति देखें) दाब गेज भार सेल आधारित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले अधिकतम क्षमता 20 कि. ग्राम., न्यूनतम क्षमता 40 ग्राम. के अंकीय उपदर्शन सहित भार सेल के सिद्धान्त पर कार्य करने वाला अस्वचालित (टेबल टॉप प्रकार) का तोलन उपकरण है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्राम. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए भी सील बन्दी की गई है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उस सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्राम. से 2 ग्राम. तक के "ई" मान के लिए 100 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल संख्या सहित 50 कि. ग्राम. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(62)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

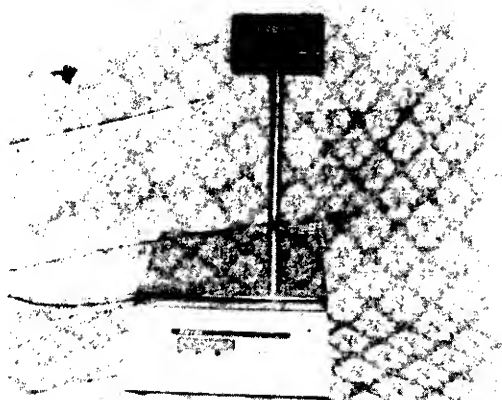
New Delhi, the 24th September, 2003

S.O. 2826.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of non-automatic weighing instrument (table top type) with "RS-III" series belonging to medium accuracy (accuracy class-III) and with brand name "ROYAL" (herein referred to as the said Model), manufactured by M/s. Royal Digital Scale, 302/303 Sanskar-II, Nr. Kesav Petrol Pump, Polytechnic Road, Ambawadi, Ahmedabad-380015 and which is assigned the approval mark IND/09/2003/178;

The said model (see the figure given) is a strain gauge type load cell based non-automatic weighing instrument (table top type) working on the principle of load cell with digital indication of maximum capacity 20 kg., minimum capacity 40 g. and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 2g. The display unit is of light emitting diode (LED) type. The instrument operates on 230V, 50Hz alternative power supply.

In addition to sealing the stamping place sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with the number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(62)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

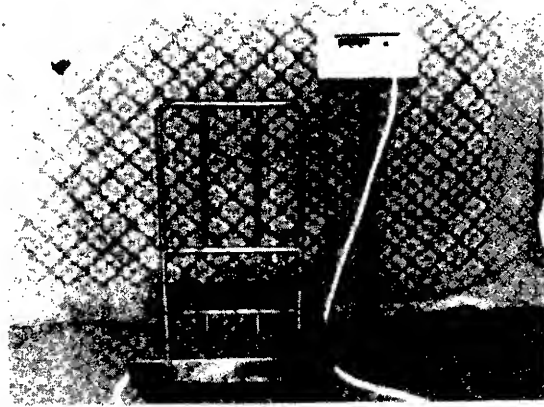
नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2827.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अ.ब., केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रायल डिजिटल स्केल, 302/303, संस्कार-II, केशव मट्टोल पम्प के पास, पॉलीटेक्निक रोड, अम्बाबाडी, अहमदाबाद-380015 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "आर एस-III" श्रृंखला के अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रायल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/179 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (दी गई आकृति देखें) दाब गेज भार सेल आधारित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाला अधिकतम क्षमता 200 कि. ग्रा., न्यूनतम क्षमता 400 ग्रा. के अंकीय उपदर्शन सहित भार सेल के सिद्धान्त पर कार्य करने वाला अस्वचालित (प्लेट फार्म प्रकार) का तोलन उपकरण है। स्थापन मापमान अन्तराल (ई) का मान 20 ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए भी सील बन्दी की गई है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उस सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में स्थापन मान अंतराल संख्या सहित 50 कि.ग्रा. से अधिक और 500 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 के 2×10^3 या 5×10^3 के हैं जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(62)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

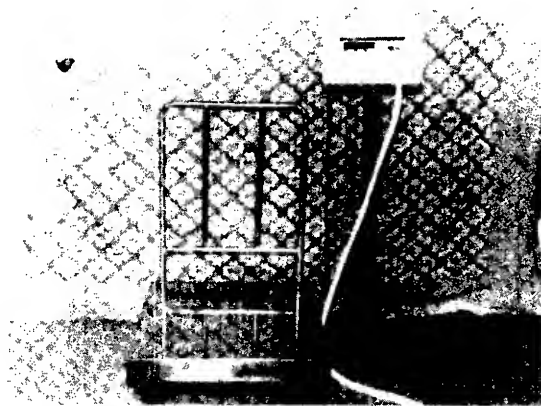
New Delhi, the 24th September, 2003

S.O. 2827.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby issues publishes the certificate of approval the Model of, non-automatic weighing instrument (Platform type) with “RS-III” series belonging to Medium accuracy (accuracy class-III) and with brand name “ROYAL” (herein referred to as the said Model), manufactured by M/s. Royal Digital Scale, 302/303 Sanskar-II, Nr. Kesav Petrol Pump, Polytechnic Road, Ambawadi, Ahmedabad-380015 and which is assigned the approval mark IND/09/2003/179;

The said model (see the figure given) is an strain gauge type load cell based non-automatic weighing instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity 200kg., minimum capacity 400g. and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 20g. The display unit is of light emitting diode (LED) type. The instruments operates on 230V, 50Hz alternative power supply.

In addition to sealing the stamping place sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of the said Section, the Cental Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 500kg and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(62)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2828.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एवॉन वेहिंग सिस्टम प्राइवेट लिमिटेड, 15 दूसरा तल, वी विंग, मेघा को. आप. हाउसिंग सोसाइटी लि., कमल कुंज, एस वी रोड, इरला ब्रिज, अंधेरी (पूर्व), मुंबई-400058 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "ई के" श्रृंखला के स्वतःसूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेवल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एण्ड" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/239 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) विद्युत चुम्बकीय बल प्रतिपूरण प्रकार का भार सेल प्रौद्योगिकी पर आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मौपमान अन्तराल (ई) का मान 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबन्दी की गई है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल संख्या सहित 50कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 हैं, के जो घनात्मक ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(99)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th September, 2003

S.O. 2828.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the self indicating, non-automatic (Table top type) weighing instrument with digital indication of "EK" series of high accuracy (accuracy class-II) and with brand name "AND" (herein referred to as the Model), manufactured by M/s. Avon Weighing Systems Private Limited, 15, 2nd floor, B Wing, Megha Co-op Housing Society Ltd., Kamal Kunj, S. V. Road, Irla bridge, Andheri (East), Mumbai-400 058 and which is assigned the approval mark IND/09/2003/239;

The said model (see the figure given) is a weighing instrument based on electromagnetic force compensation type load cell technology with a maximum capacity of 300g and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 percent subtractive retained tare effect. The liquid crystal display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing is also done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval(n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with number of verification scale interval(n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(99)/2002]

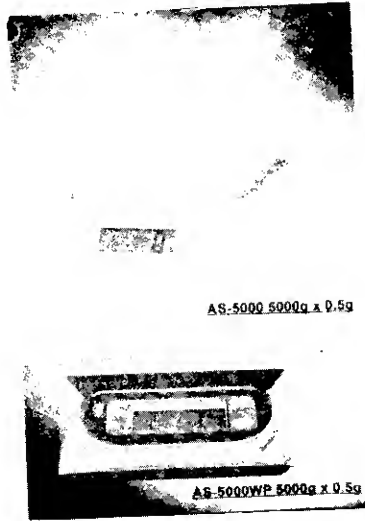
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2829.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एबॉन वेईंग सिस्टम प्राइवेट लिमिटेड, 15 दूसरा तल, वी विंग, मेघा को. आप. हाउसिंग सोसाइटी लि., कमल कुंज, एस वी रोड, इरला ब्रिज, अंधेरी (पूर्व), मुंबई-400058 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "ए एस" के शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एण्ड" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/240 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

आकृति



उक्त मॉडल (आकृति देखें) विद्युत् चुम्बकीय बल प्रतिपूरण प्रकार का भार सेल प्रौद्योगिकी पर आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 ग्रा. और न्यूनतम क्षमता 5 ग्रा. सहित तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) का मान 100 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबंदी की गयी है।

और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के उसी मेक, यथार्थता और वैसे ही कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मान अन्तराल संख्या सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ हैं के जो घनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(99)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

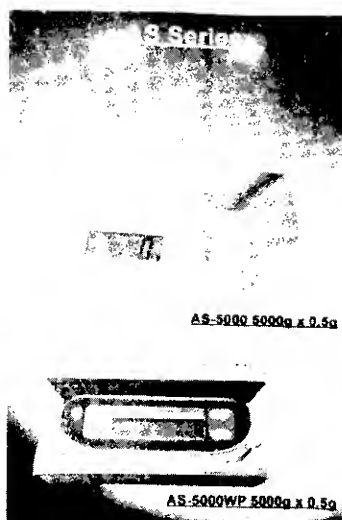
New Delhi, the 24th September 2003

S.O. 2829.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the self indicating, non-automatic (Table top type) weighing instrument with digital indication of "AS" series of high accuracy (accuracy class-II) and with brand name "AND" (herein referred to as the Model) manufactured by M/s Avon Weighing Systems Private Limited, 15, 2nd floor, B wing, Megha Co-op Housing Society Ltd. Kamal Kunj, S.V. Road, Irla bridge, Andheri (East), Mumbai-400 058 and which is assigned the approval mark IND/09/2003/240;

The said Model (See the figure given) is a weighing instrument based on electromagnetic force compensation type load cell technology with a maximum capacity of 1000g and minimum capacity of 5g. The verification scale interval 'e' is 100mg. It has a tare device with a 100 percent subtractive retained tare effect. The liquid crystal display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply

Figure



In addition to sealing the stamping plate, sealing is also done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

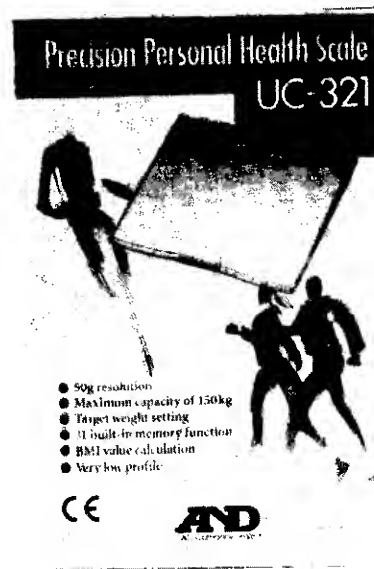
[F. No. WM-21(99)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2830.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एवॉन वेईंग सिस्टम प्राइवेट लिमिटेड, 15 दूसरा तल, बी विंग, मेधा कोआप. हाउसिंग सोसाइटी लि., कमल कुंज, एस बी रोड, इरला ब्रिज, अंधेरी (पूर्व), मुंबई-400058 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "यू सी-321" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "एवान" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/241 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



उक्त मॉडल (आकृति देखें) दाब गेज प्रकार भार सेल प्रौद्योगिकी आधारित अधिकतम क्षमता 150 कि. ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. सहित तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबंदी की गयी है।

और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 50 ग्रा. या उससे अधिक "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मान अन्तराल संख्या सहित 100 कि. ग्रा. से अधिक और 150 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 हैं के जो धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(99)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

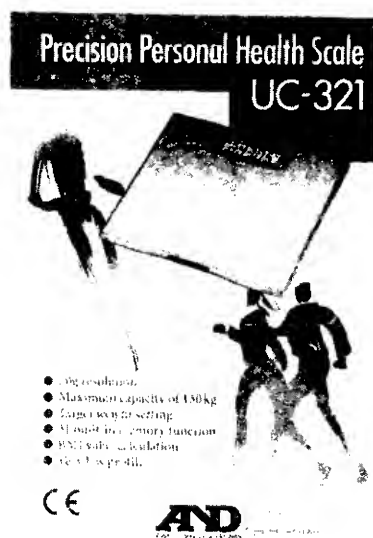
New Delhi, the 24th September 2003

S.O. 2830.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods strain of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of self indicating, non-automatic (Person weighing machine) weighing instrument with digital indication of "UC-321" series of medium accuracy (accuracy class-III) and with brand name "AVON" (herein referred to as the Model), manufactured by M/s Avon Weighing Systems Private Limited, 15, 2nd floor, B wing, Megha Co-op Housing Society Ltd., Kamal Kunj, S.V. Road, Irla bridge, Andheri (East), Mumbai-400 058 and which is assigned the approval mark IND/09/2003/241;

The said Model (See figure given) is a weighing instrument based on gauge type load cell technology with a maximum capacity of 150kg and minimum capacity of 1kg. The verification scale interval 'e' is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The liquid crystal display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply.

Figure



In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 100kg and up to 150kg with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 50g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(99)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

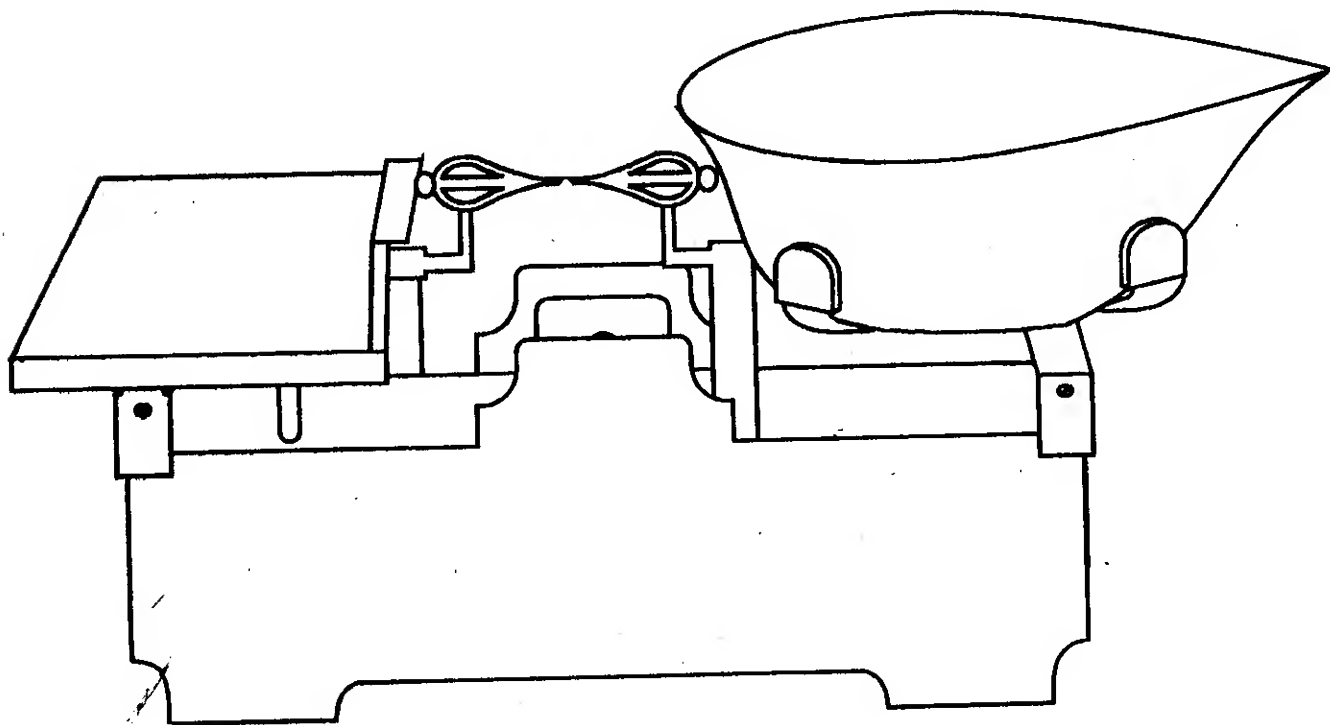
नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2831.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लकी स्केल, महुआ रोड, ई. ए. एस. स्टैंड सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित यांत्रिक काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "लकी स्केल" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/194 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।

आकृति



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के यांत्रिक काउंटर मशीन भी होंगी जो 500 ग्रा. से 50 कि. ग्रा. तक अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम-21(198)/2001]

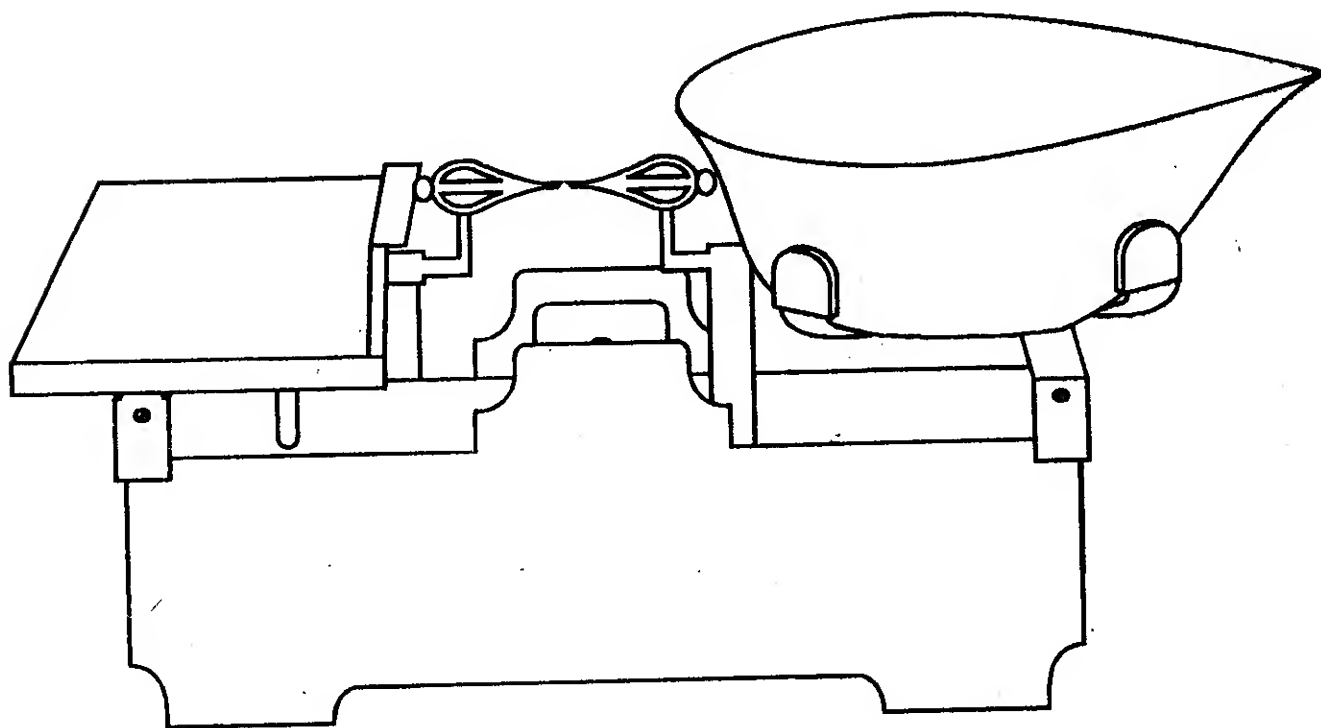
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th September, 2003

S.O. 2831.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of mechanical counter machine (herein referred to as the Model) with brand name "Lucky Scale", manufactured by M/s Lucky Scale, Mahuva Road, EAS Stand, Savarkundia-364515 (Gujarat), and which is assigned the approval mark IND/09/03/194;

The said Model (see the figure given) is a counter machine with maximum capacity is 10 kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the mechanical counter machine of similar make, accuracy and performance with in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(198)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

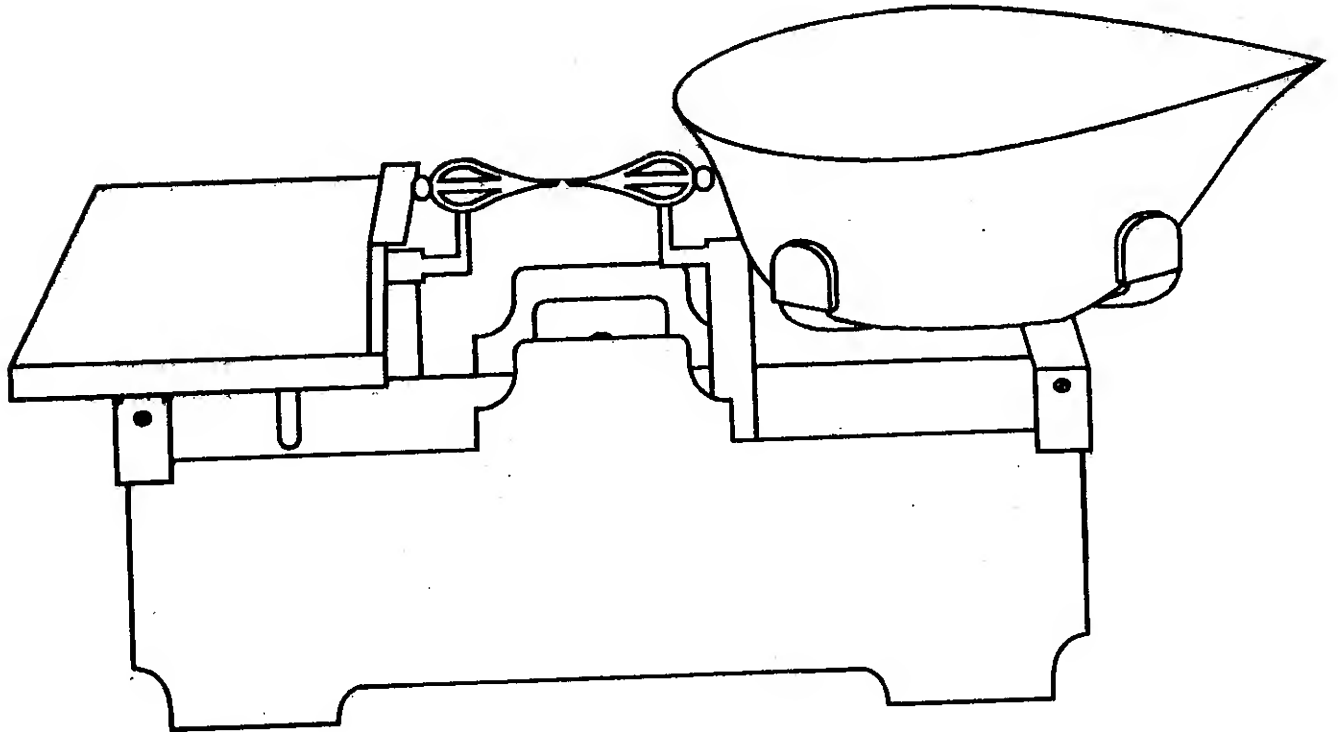
नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2832.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मयूर स्केल, गांधी सोसाइटी, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "मयूर स्केल" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/203 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।

आकृति



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक अधिकतम क्षमता वाले होंगे।

[फा. सं. डब्ल्यू एम-21(85)/2003]

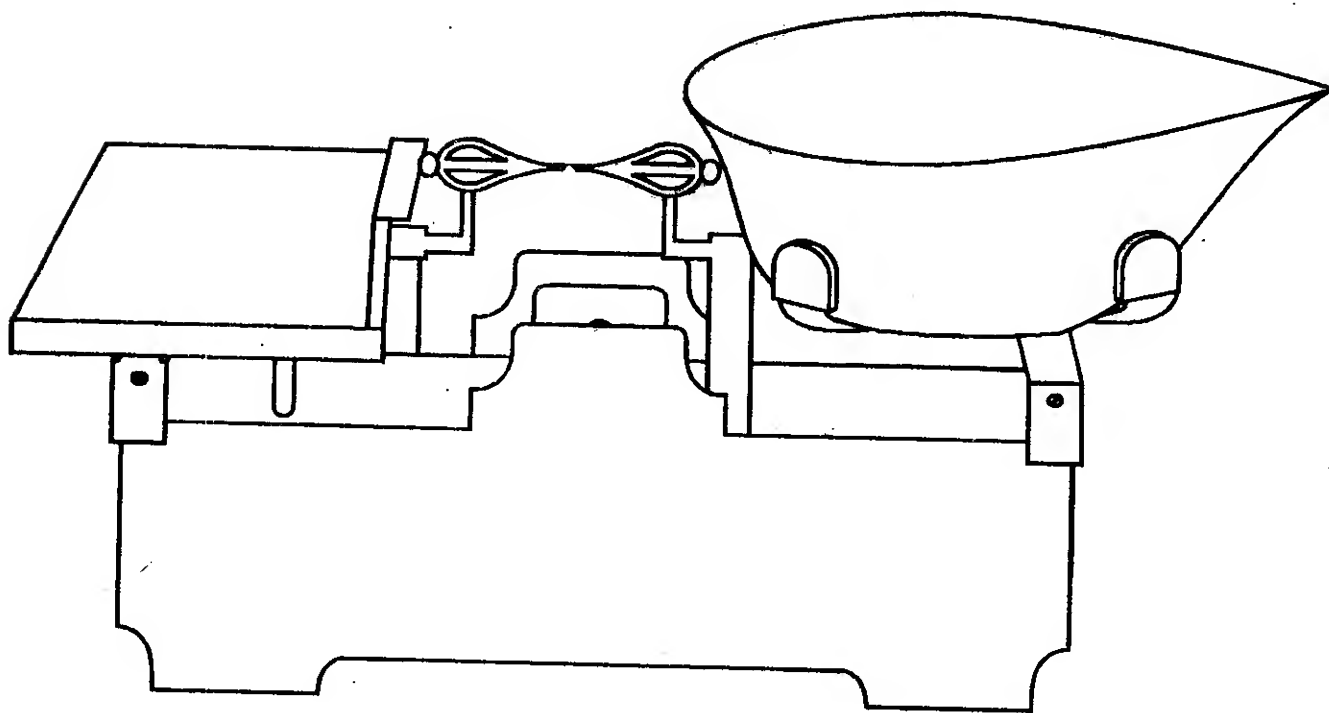
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th September, 2003

S.O. 2832.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of a Counter Machine with brand name "MAYUR SCALE" (herein referred to as the Model), manufactured by M/s Mayur Scale, Gandhi Society, Savarkundla-364515 (Gujarat), and which is assigned the approval mark IND/09/03/203;

The said Model (see the figure given) is a Counter Machine. The maximum capacity is 10 kg.



Further, in exercise of the power conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity ranging from 500g. to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[E.No. WM-21(85)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2833.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप तक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐसेई इलेक्ट्रॉनिक्स, प्रा. लि. 377/22, छठा क्रास, विल्सन गार्डन, बंगलौर-560027 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "स्माइल" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (व्यक्ति तोलन मशीन सिक्का चालित प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ऐसेई" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/144 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (दी गई आकृति देखें) विकृतमापी भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि. ग्रा. है। सत्यापन मापमान (ई) का मान 100 ग्रा. है। प्रदर्श निर्वात प्रतिदीप्ति सील प्रदर्श प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्प लगाने वाली प्लेट पर सील लगाने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए इसके खुलने को रोकने के लिए सील बन्द किया जाएगा;



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मॉडल, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 150 कि. ग्रा. है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) 50 ग्रा. या इसके अधिक के "ई" मान के लिए 500 से 10000 के रेंज में है तथा जिनका "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के है जिसमें "के" धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम.-21(134)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

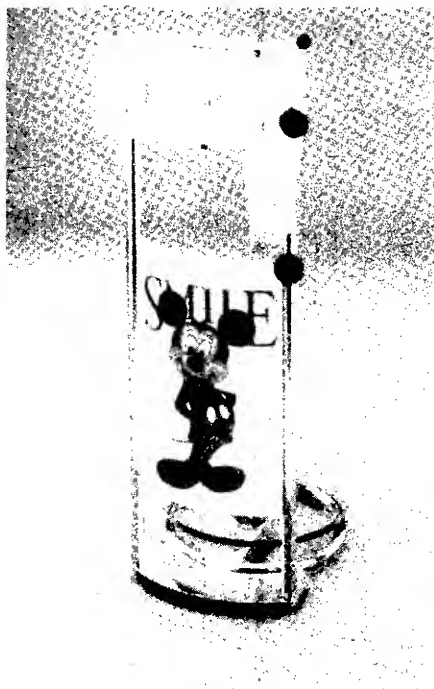
New Delhi, the 24th September, 2003

S.O. 2833.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument with digital indication (Person weighing machine-coin Operated) of medium accuracy (Accuracy class-III) belonging to SMILE series with brand name "ESSAE" (hereinafter referred to as the said model), manufactured by M/s. Essae Electronics Pvt. Ltd. 377/22, 6th Cross Wilson Garden, Bangalore-560027 and which is assigned the approval mark IND/09/2002/144 ;

The said Model (See the figure given) is a strain gauge type load cell based weighing instrument with the maximum capacity of 150kg. The verification scale interval (e) is 100g. The Display is of Vacuum Fluorescent display type . It operates on 230V and 50 Hz alternate current power supply ;

Figure



In addition to sealing the stamping plate, Machine shall be sealed to prevent its opening for fraudulent practices. Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 150kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 50g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(134)/2002]

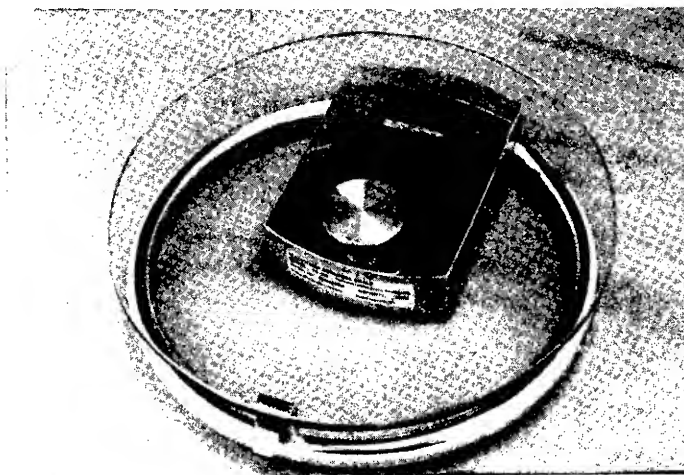
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 24 सितम्बर, 2003

का.आ. 2834.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐसेई इलेक्ट्रॉनिक, प्रा. लि. 377/22, छठा क्रॉस, विल्सन गार्डन, बंगलौर-560027 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "पी एस-150" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (व्यक्ति तोलन मशीन प्रकार) के माडल का, जिसके ब्रांड का नाम "ऐसेई" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/145 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (दी गई आकृति देखें) विकृतमापी भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि. ग्रा. है। सत्यापन मापमान (ई) का मान 100 ग्रा. है। प्रदर्श प्रकार उत्सर्जक डायोड (एल ई डी) प्रकार का है। यह 9 वी डी सी दिष्ट धारा विद्युत प्रदाय पर कार्य करता है;



स्टाम्प लगाने वाली प्लेट पर सील लगाने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए इसके खुलने को रोकने के लिए सील बन्द किया जाएगा;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 150 कि. ग्रा. है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) 50 ग्रा. या इसके अधिक के "ई" मान के लिए 500 से 10000 की रेंज में है तथा जिनका "ई" मान $1 \times 10^*$, $2 \times 10^*$, या $5 \times 10^*$, के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(134)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

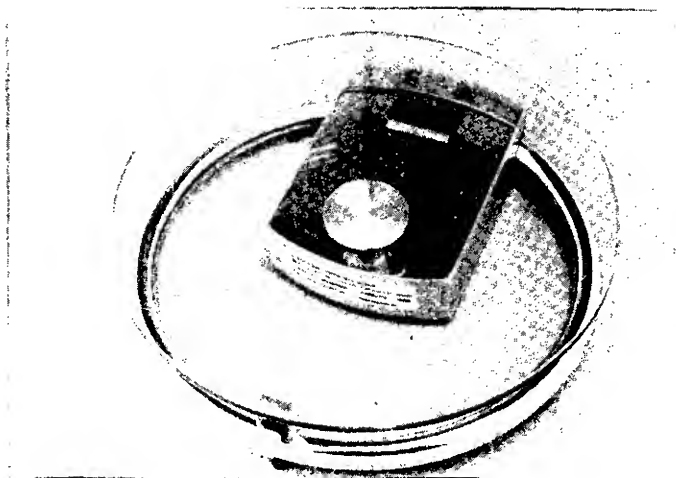
New Delhi, the 24th September, 2003

S.O. 2834.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of a non-automatic weighing instrument with digital indication (Person weighing machine) of medium accuracy (Accuracy class-III) belonging to PS-150 series with brand name "ESSAE" (hereinafter referred to as the said Model), manufactured by M/s. Essae Electronics Pvt. Ltd. 377/22 6th Cross, Wilson Garden, Bangalore-560027 and which is assigned the approval Mark IND/09/2002/145;

The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with the maximum capacity of 150kg. The verification scale interval (e) is 100g. The display is of light emitting diode (LED) type. It operates on 9V DC direct current power supply.

Figure



In addition to sealing the stamping plate, the machine shall be sealed to prevent its opening for fraudulent practices. Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 150kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 50g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(134)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 26 सितम्बर, 2003

का. आ. 2835.—केंद्रीय सरकार, बजट और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 28 की उपधारा (7) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, हरियाणा राज्य क्षेत्र सरकार की सहमति से, उक्त अधिनियम के अंतर्गत बनाए गए बाट और माप मानक (पैकेज में रखी वस्तुएं) नियम, 1977 के नियम 35, नियम 36 और नियम 37 के उपबन्धों के संबंध में निदेशक, विधिक माप विज्ञान की समस्त शक्तियों को हरियाणा राज्य क्षेत्र में नियंत्रक, विधिक माप विज्ञान का तत्समय पद धारण करने वाले व्यक्ति को, निम्नलिखित शर्त के अधीन रहते हुए प्रत्यायोजित करती है, अर्थात् :—

उक्त उपबन्धों के अंतर्गत किए गए रजिस्ट्रीकरण की सूची निदेशक विधिक माप विज्ञान को त्रैमासिक रूप से भेजी जाएगी।

[फा. सं. डब्ल्यू.एम-9(6)/98]

सतवंत रेड्डी, अपर सचिव

New Delhi, the 26th September, 2003

S. O. 2835.—In exercise of the powers conferred by Sub-section (7) of section 28 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby delegates with the consent of the State Government of Haryana to the person for the time being holding the Office of the Controller of Legal Metrology in the State Government of Haryana, all the powers of the Director of Legal Metrology as respects of the provisions of rules 35, 36 and 37 of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 made under the said Act, subject to the following condition, namely :—

The list of registrations done under the said provisions shall be sent to the Director of Legal Metrology, quarterly.

[F. No. WM-9(6)/98]

SATWANTREDDY, Addl. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 25 सितम्बर, 2003

का.आ. 2836.—केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2063, तारीख 19 जून, 2002 में, जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 22 जून, 2002 के पृष्ठ 6007 से पृष्ठ 6026 पर प्रकाशित की गई थी, में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची में :—

पृष्ठ 6019 पर, स्तंभ 1 में गाँव "नासोली" के सामने,—

स्तंभ 2 के सर्वेक्षण नं. "388", के स्थान पर सर्वेक्षण नं. "386" पढ़ें;

[फा. सं. आर-31015/39/2001-ओ.आर. II]

हरीश कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 25th September, 2003

S.O. 2836.— In exercise of the powers conferred by Sub-section (1) of Section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2063, dated the 19th June, 2002, published at pages 6026 to 6045, in Part II, section 3, Sub-section (ii) of the Gazette of India, dated the 22nd June 2002, namely :—

In the Schedule to the said notification,—

at page 6038, in column 1, against village "Nasoli";

in column 2, for survey no. "388", read survey no. "386"

[F. No. R-31015/39/2001-OR. II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 25 सितम्बर, 2003

का.आ. 2837.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है), की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र तारीख 11 जनवरी 2003 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 83, तारीख 7 जनवरी, 2003 द्वारा कतिपय भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुयुगी) द्वारा मुन्दा—भटिंडा अपरिष्कृत तेल पाइपलाइन के माध्यम से गुजरात राज्य में पुन्नापत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतिलिपि तारीख 1 फरवरी, 2003 को उपलब्ध करा दी गई थी,

और सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लिंगों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुयुगी) में निहित होगा।

अनुसूची

तहसील : खींवसर

जिला : नागौर

राज्य : राजस्थान

क्रम सं.	गांव का नाम	खसरा नं.	हिस्सा क्रमांक	ROU बीघा	क्षेत्रफल बिस्वा
	1	2	3	4	
1.	कांटियाँ	284		0	02
		290		0	02
		293		0	05
		295		0	02
		296		0	01
		384		0	01
		387		0	02
2.	जगरामपुरा	22		0	01
		23		0	01
		24		0	01
		27		0	01
		31		0	05
3.	बेनीवालो की दाणी	1025		0	02
		1048		0	01
		1051		0	01
		1093		0	08
		1091		0	05
		1107		0	07
		1111		0	01
		1077		0	09
		1179		0	04
		1178		0	17
		1268		0	06

	1	2	3	4
4.	माधाणीयों की द्वाणी	2592	2	14
		2594	0	06
5.	माडपुरा	1320	0	02
6.	शिवपुरा	1295	0	04
		1308	0	08
7.	अणदोलाव	525	0	03
		590	1	09
8.	सुखोलाव	407	0	17
		406	0	01
9.	चारणीसरा	235	0	04
10.	खड़काली	841	0	02
		843	0	02

[फा. सं.आर-31015/46/2001-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 25th September, 2003

S.O. 2837.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 83 dated the 7th January, 2003 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), and Published in the Gazette of India, on the 11th January, 2003, the Central Government declared its intention to acquire the right of user in certain land for the purpose of the laying pipeline for transport of petroleum products from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil Pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited).

And whereas, copies of the said Gazette notification were made available to the public on the 1st February, 2003.

And whereas, the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government.

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying pipeline, has decided to acquire the right of user therein:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline:

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in the Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited), free from all encumbrances.

SCHEDULE**Tehsil : Khinwsar****District : Nagaur****State : Rajasthan**

Sr. No.	Name of Village	Khasra No.	Part if Any	ROU-Area	
				Biga	Biswa
1		2	3	4	
1.	Kantiya	284		0	02
		290		0	02
		293		0	05
		295		0	02
		296		0	01
		384		0	01
		387		0	02
2.	Jagrampura	22		0	01
		23		0	01
		24		0	01
		27		0	01
		31		0	05
3.	Beniwalon Ki Dhani	1025		0	02
		1048		0	01
		1051		0	01
		1093		0	08
		1091		0	05
		1107		0	07
		1111		0	01
		1077		0	09
		1179	Cart Track G.L.	0	04
		1178		0	17
		1268		0	06
4.	Madhaniyan Ki Dhani	2592		2	14
		2594		0	06
5.	Madhpura	1320		0	02
6.	Shivpura	1295		0	04
		1308		0	08
7.	Andolav	525		0	03
		590		1	09
8.	Sukholav	407		0	17
		406		0	01
9.	Chamisara	235		0	04
10.	Kharkali	841		0	02
		843		0	02

[File No. R-31015/46/2001-OR-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 26 सितम्बर, 2003

का.आ. 2838.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है), की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 707, तारीख 1 मार्च, 2003 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा “बारेजा से नवागाम तक पेट्रोलियम उत्पाद पाइपलाइन” के कार्यान्वयन के लिए गुजरात राज्य में बारेजा ग्राम से नवागाम तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 12 मार्च, 2003 को उपलब्ध करा दी गई थी;

और, समक्ष प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : दशकरोई		जिला : अहमदाबाद	राज्य : गुजरात		
गांव का नाम	सर्वेक्षण सं./खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
बारेजा	1602		00	08	02
	1603		00	00	40
	1601		00	05	25
	1552		00	07	79
	1548		00	02	27
	1492		00	00	70
	1482		00	01	50

[फा. सं.-आर-25011/5/2003-ओ. आर.-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 26th September 2003

S.O. 2838.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 707 dated the 1st March, 2003 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying Pipeline for the transportation of Petroleum Product from village Bareja to village Navagam in the State of Gujarat, a Pipeline should be laid by the Indian Oil Corporation Limited for implementing the “Petroleum Product Pipeline from Bareja to Navagam.”

And, whereas, the copies of the said Gazette notification were made available to the public on 12-03-2003;

And whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act has submitted his report to the Central Government:

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification area hereby acquired:

And further, in exercise of powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of the publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluke : Dashkroi

District : Ahmedabad

State : Gujarat

Name of Village	Survey/Block No.	Sub-Division No.	Area		
			Hectare	Are	Centiare
1	2	3	4	5	6
Bareja	1602		00	08	02
	1603		00	00	40
	1601		00	05	25
	1552		00	07	79
	1548		00	02	27
	1492		00	00	70
	1482		00	01	50

[File No. R-25011/5/2003-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 26 सितम्बर, 2003

का.आ. 2839.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, भारत के राजपत्र भाग 2, खण्ड 3, उप-खण्ड (ii) तारीख 20 जनवरी, 2001 में प्रकाशित, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 94, तारीख 18 जनवरी, 2001 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची में स्तम्भ 1 के अधीन, “श्री बीर सिंह”, शब्दों के स्थान पर “श्री सतीश कुमार”, शब्द रखे जाएंगे।

[संख्या आर-25011/44/2002-ओ.आर.-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 26th September, 2003

S.O. 2839.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 94, dated the 18th January 2001, published in the Gazette of India part II section 3, sub-section (ii) dated the 20th January, 2001, namely :—

In the said notification, in Schedule, under column 1, for the words “Shri Bir Singh”, the words “Shri Satish Kumar”, shall be substituted.

[No. R-25011/44/2002-OR-I]

RENUKA KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 5 सितम्बर, 2003

का. आ. 2840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 118/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-2003 को प्राप्त हुआ था।

[सं. एल-12012/39/2002-आई और (बी-II)]

सी. गंगाधरं, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 5th September, 2003

S.O. 2840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 118/2002) of the Cent. Govt. Industrial Tribunal cum Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Central Bank of India, and their workmen, which was received by the Central Government on 5-9-2003.

[No. L-12012/39/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURECENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW**Present : SHRI KANT SHUKLA**
Presiding Officer**Industrial Dispute No. 118/2002**

Ref: No. L-12012/39/2002-IR(B-II)

Dated: 17-6-2002

BETWEEN:Sh. Dinesh S/o Sh. Bhallu
R/o-270/6420, Rauzabagh
Rajendra Nagar, Lucknow (U.P.) 226001**And**The Regional Manager
Central Bank of India, Regional Office
Hazratganj, Lucknow (U.P.) -226001**AWARD**

The Government of India, Ministry of Labour vide their order No. L-12012/39/2002-IR(B-II) dated 17-6-2002 has referred following issue for adjudication to this Tribunal;

“Whether the action of the management of Central Bank of India, Lucknow in terminating the services of Shri Dinesh Kumar S/o Sh. Bhallu R/o 274/6420, Rajendra Nagar,

Lucknow, Daily Wager worker w.e.f. 15-10-2000 through oral order is legal and justified? If not, what relief the concerned workman is entitled to?”

The workman's case in brief is that he was appointed as a peon in the subordinate cadre by the bank to work in Naka Hindola Branch, Lucknow w.e.f. from 26-11-92 where he worked up to 15-10-2000. After the above period, his services at that branch were terminated by the bank by oral order. The services of the workman came to an end w.e.f. 15-10-2000 and at the time of dispensing with the services of the workman, neither any order in writing was issued nor any reason was given to him. No such notice or pay in lieu of notice was given to him. No such retrenchment compensation was offered/paid at the time of termination. He has further stated that during the tenure of his service with the bank his work and conduct was quite satisfactory. The workman has therefore, prayed that he should be reinstated with full back wages w.e.f. 15-10-2000.

The opposite party has denied the allegations by filing written statement, paper No. 7. The opposite party's case is that it is false to say that worker Dinesh Kumar at all worked as alleged by him. The opposite party has also denied the allegation that he continued in service as alleged by him. It is alleged that entire story is false and baseless. Since the worker was never appointed by the opposite party there is no relationship of employee and employer between the parties.

The workmen has filed rejoinder and has filed photo copy of certain unsigned, undated documents paper No. 8/2 to 8/95.

The workman has absented on the date of evidence and therefore, the case is proceeding ex-parte against him.

The opposite party has examined Shri. R. H. Siddiqui, Sr. Manager, Central Bank of India, Naka Hindola Branch, Lucknow.

Heard learned representative of the opposite party and perused the record.

On the one hand the worker has failed to prove that he was ever appointed on 26-11-92 and he worked upto 15-10-2000 and subsequently his services were terminated. On the other hand senior officer of the opposite party, Shri R. H. Siddiqui has stated that no person named Dinesh Kumar ever worked in his branch of the bank and since no such worker was employed therefore, there is no question of termination.

Shri R. H. Siddiqui has stated on oath that the allegations of the claim petition are totally incorrect.

In the circumstances I come to the conclusion that Shri Dinesh Kumar was not an employee or daily wage worker in the Central Bank of India as alleged by him and therefore, there is no question of termination as alleged in the claim petition. Therefore, question of legality or illegality of termination does not arise. Issue is therefore, disposed of accordingly.

On the basis of discussions above I also conclude that the worker is not entitled to any relief prayed for.

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2003

का. आ. 2841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नवल डॉक यार्ड के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी- 14/2002) को प्रकाशित करती हैं, जो केन्द्रीय सरकार को 9-9-2003 को प्राप्त हुआ था।

[सं. एल-14025/2/2003-आई आर (डी यू)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 9th September, 2003

S.O. 2841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LCID 14/2002) of the Central Government Industrial Tribunal cum Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Naval Dock Yard and their workman, which was received by the Central Government on 9-9-2003.

[No. L-14025/2/2003-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Shri E. Ismail, B.Sc., LL.B.,
Presiding Officer

Dated the 26th day of July, 2003

INDUSTRIAL DISPUTE L. C.L.D. No. 14/2002

(Old I.D.No. 4/2000 Transferred from Industrial Tribunal
cum Labour Court, Visakhapatnam)

Between:

Sri Odini Ramana,
S/o Appanna,
R/o D. No. 59/1912, Harijan
Street, Malkapuram Post,
Visakhapatnam -530011,Petitioner

AND

The Admiral Superintendent,
Naval Dock Yard,
Visakhapatnam-530014, ... Respondent

Appearances :

For the Petitioner : Sri K. Balakrishna,
Advocate
For the Respondent : Sri D. Ramesh,
Advocate

AWARD

This case I.D. No. 4/2000 is transferred from Industrial Tribunal cum Labour Court, Visakhapatnam in view of the Government of India, Ministry of Labour's order No.H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as L.C.L.D.No. 14/2002. This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Brief facts as mentioned in the petition are: That the Petitioner joined the service of the Respondent w.e.f. 23-3-1992 and he was kept under probation for a period of 6 months and he was found suitable. His services were regularized in the post of Pipe Fitter(skilled) and he was drawing a salary of Rs. 950 per month.

3. There were no remarks against him from 1992 to 1995. In 1995, he suffered pain from the problems of the spinal Card. Abstained from duty backed by a medical certificate. Reported to duty in the month of March, 1996 and continued on duty for four months. The employer reduced his pay from Rs. 1030/- to Rs. 950/- per month. The physical condition of the workman has not improved and he continued to suffer from pain in the spinal card. He used to abstain from duty on medical grounds and also send certificates for every two months and the same were granted till 26-2-97. Even thereafter, he used to send leave applications backed by the medical certificates. As he was made fit for duty in the last week of November, 1998 he went and reported to duty along with the fitness certificate but he was given to understand that his services have been terminated. Owing to the verification made from his mother the workman was given the order copy to him and when the workman questioned his mother, she had come out that the same was concealed in lieu of his bad health all along. Immediately the workman made his representation on 30-11-98. The employer did not concede his request. A copy of the representation dated 30-11-98 and termination letter dated 4-3-99 have been enclosed.

4. The workman had no knowledge of the enquiry if any held by the employer. He was not given the opportunity to explain or to rebut the allegations made against him and he may be ordered reinstatement with back wages and set aside the orders dated 29-1-98.

5. A counter was filed stating that the Petitioner remained absent unauthorisedly from 28-7-95 to 26-2-96

without proper leave application to that effect. On his unauthorized absence the Management issued a letter dated 8-8-95 with a direction to return for duty forth with or in case he is sick, to forward a medical certificate from the nearest Government Hospital, failing which the entire period will be treated as unauthorized absence. On August, 12, 1995 the Petitioner submitted leave application together with a medical certificate from Dr. V. J. Prasad, MBBS of Prathima Nursing Home, Visakhapatnam indicating that the workman was suffering from Lumbago & Sciatica and required rest for two months. This was followed by another extension for two months with a medical certificate from the same Doctor. Naval dockyard, Visakhapatnam had intimated Sri O. Ramana that his leave from 28-7-95 and extension from 27-9-95 has not been granted. The workman was also directed to report for duty forth with or if he is still sick to forward a medical certificate from the Government Hospital including the nature and likely duration of sickness together with the clinical reports/X-rays as prescribed by the Doctor within seven days. Though the letter received at the residence, the workman failed to comply and again forwarded a leave application for two months with a medical certificate from Sri B. Jagadesh Prasad. The workman was again directed to report to the Superintendent, K.G. Hospital, Visakhapatnam for medical examination. Though the said letter was also acknowledged by somebody on his behalf the workman did not comply with the direction. He continued to remain absent and sent another leave application on 27-1-96. Accordingly a major charge memorandum was served on 26-2-96. It was received by somebody on his behalf and all his letters were received by somebody on his behalf, itself shows that the workman was not available at home although he was suffering from Sciatica and Lumbago as diagnosed by a MBBS Doctor. On 22-3-96 the workman reported for duty with a fit certificate issued by the same Doctor B. Jagadesh Prasad, MBBS of Prathima Nursing Home. A direction to report to the nearest Government Hospital or to report to K.G. Hospital, Visakhapatnam was not complied with. The workman was again served with another charge memorandum on 26-2-97 for unauthorized absence and one Sri M. Samuel was appointed as Enquiry Officer. Though he was served with notices of the preliminary hearing of the enquiry he did not attend to the enquiry. Hence, ex-parte enquiry was conducted and a penalty of reduction of pay from Rs. 1050 to Rs. 950 was imposed on him. Again, he continued to be absent by submitting sick leave applications. Again he was asked to report to K.G. Hospital, Visakhapatnam to ascertain his fitness for retention in service. Again, he did not report. Again, he was issued notice on preliminary hearing. Someone on his behalf received the letter. He did not attend the enquiry and therefore, he was removed. Hence, the Petitioner has no merits in this petition and he is not entitled for any relief.

6. This Court by an order dated 6-2-2003 held that the domestic enquiry is validly conducted. Arguments were heard under Sec. 11 A of the I. D. Act.

7. The Learned Counsel for the Petitioner submitted that this is a case where the Petitioner has been penalized for sickness which was not in his hands. The enquiry was also conducted ex-parte and even in any case the punishment imposed is disproportionate for absenteeism which was beyond his control. Hence, the Respondent may be directed to reinstate him with full back wages and continuity of service.

8. The Counsel for the Respondent submits that as several of the letters were received on his behalf by someone, which according to him is his mother and his feeling shy to report before the Superintendent, K.G. Hospital, Visakhapatnam clearly goes to show that either the sickness was not there or it was exaggerated out of proportion or as several letters were received by someone on his behalf he was not at all at Visakhapatnam. After all, what is the service that he has put in? He was appointed in the year 1992 on 23-3-1992, kept on probation for six months, regularized as pipe fitter, skilled, and hardly worked for three years and continued to be absent himself from 28-7-1995 itself. Again attended for a few days and again absented himself, did not comply with the orders to report to the Superintendent, K.G. Hospital, Visakhapatnam. Hence, he deserves no sympathy and hence, the orders of dismissal may be confirmed.

9. It is noted that the said state of affairs that till a job is secured for most of the persons, it looks as if most of them would die without a job. That atleast some of them once they get the job take it very easy. I fail to understand that after all Lumbago and Sciatica, is not such a deadly disease on it may affect the mobility but it will not completely immobilize a person even if it taken for granted like that was, so if that was true, he could have gone in a wheel chair, but he did not go or did not want to go to the Superintendent, K.G. Hospital, Visakhapatnam because, though he was over exaggerating his sickness or it is however doubt whether he had any sickness at all and whether he actually was in India or out of India or at Visakhapatnam or out of Visakhapatnam and this has not come out because of the simple reason that it was held by me that the domestic enquiry is validly conducted. So only question now remains with me is whether I can use my powers under Sec. 11 A of the I.D. Act. No doubt, apparently the case does not deserve to invoke the sympathy; but, yet as when he has filed this petition he has shown his age is about 30 years, he may now be about 33 years and he is a technical man, pipe fitter skilled and all the absenteeism of these three years and his dismissal has been 29-1-98 might have had some effect on him. But no relief can be given to him without adding certain conditions. Hence, I am of the opinion that the ends of justice will be met if the Respondent

is directed to appoint the Petitioner as a pipefitter in the post in which he was originally appointed in 1992 in the minimum pay scale, now applicable to the said post subject to his being found fit by Superintendent, K.G. Hospital, Visakhapatnam. However, the relaxation in age if he is over aged shall be given and his age be taken as in 1992 when he was appointed shall be taken into consideration as the age for recruitment. He is not entitled for continuity of service nor any back wages. His probation shall not be declared unless he puts in minimum attendance for three consecutive years except for reasons beyond his control supported by valid documentary evidence and in case of sickness, fitness certificates from K.G. Hospital, Visakhapatnam, only after watching him for three years his probation shall be declared. The Petitioner if found medically fit shall be taken into service as directed on or before 1st October, 2003 failing which he will be entitled for the minimum wages from 1st October, 2003.

Award passed accordingly, Transmit.

Dictated to Kum. K. Phami Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 26 day of July, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 सितम्बर, 2003

का०आ० 2842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एअरलाइंस लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I मुम्बई के पंचाट (संदर्भ संख्या 55/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-2003 को प्राप्त हुआ था।

[सं. एल-11012/8/98-आई० आर० (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 9th September, 2003

S.O. 2842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/98) of the Central Government Industrial Tribunal/Labour Court-I Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of Indian Airlines Ltd. and their workman, which was received by the Central Government on 8-9-2003.

[No. L-11012/8/98/IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NO. 1,
MUMBAI

PRESENT : Shri Justice S. C. Pandey,
Presiding Officer

REFERENCE No. CGIT-55/1998

PARTIES : Employers in relation to the management of
Indian Airlines Ltd.

And

Their Workmen

APPEARANCES :

For the Management : Mrs. Pooja Kulkarni,
Advocate.

For the Workman : Mr. Neel G. Helekar,
Advocate
Workman present.

State : Maharashtra

Mumbai, dated the 25th day of August, 2003

AWARD

1. This is a reference made by the Central Government under clause 1(d) of Sub-section 1 and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 (henceforth 'the Act'). The terms of the industrial dispute between the Indian Airlines Ltd. (the Employer for short) and the workman named in the order of reference collectively represented by Mumbai Mazdoor Sangh (the Union for short) are being reproduced below:

"क्या इण्डियन एअरलाइंस के प्रबंधन द्वारा सर्वश्री सुनील बी० आदोरकर सुनील एम० रोहाकर, शिवाजी के० जाधव तथा मधुकर एस० गायकवाड़ आयुक्त लोडरों को नियमित न किया जाना न्यायोचित है ? यदि नहीं तो कर्मकार किस तिथि से किस राहत के पात्र हैं ?

The undisputed facts of this case are that workman named above are members of the Union which is affiliated to Bhartiya Mazdoor Sangh. It is also not in dispute that the Union had raised an industrial dispute by raising a demand for absorption of 8 persons named in the letter dated 17-6-91 as permanent loaders. Subsequently, the company absorbed 4 persons out of eight persons. Therefore, a fresh demand for absorption of four persons by letter dated 22-8-96. It is also not in dispute that the

company had stated in its reply that a reference was pending before the Central Govt. Industrial Tribunal in respect of the disputes of the workmen. However, the Union disputed the aforesaid assertion of the company that dispute raised by the remaining four workmen was subject matter of reference CGIT No. 2/27 of 1992 pending before this tribunal. The industrial dispute between the parties was referred to Asstt. Labour Commissioner (Central III) for conciliation. The conciliation failed. Consequently, the reference was made. It is also not disputed before this tribunal that an award dated 30th June, 1995 was passed by the Presiding Officer of Central Govt. Industrial Tribunal No. 2 Bombay in respect of regularisation of 118 casual-Badli workmen in Reference No. CGIT-2/27.

3. In the Statement of claim the Union stated that the company had employed the concerned employees as daily rated employees were for 90 to 100 days in a year even though, the work performed by the as loaders was of perennial in nature. The company had 'committed Unfair labour practice under items No. 9 and 10 of Schedule V of the Act. The company had under taken exercise of permanent recruitment from outside. In the Statement of claim, it was stated that the stand of the company that the Union had raised the dispute of these workmen earlier which had been referred to the industrial tribunal in Reference No. CG IT No. 2/27 of 1992, was false because the names of these persons did not find place in list attached to the schedule of Reference. It was also stated that the stand of the Company that as per order of the High Court dated 25-7-1996 (in writ petition No. 1303 of 1996) the company considered the name of one person i.e. Shivaji Kondiba Jadhav and others were rejected by the company arbitrarily, even though, they had worked for more than ninety days.

4. In the written statement it has been pleaded that W. P. No. 346/96, 374/96, 1303/96 and 1503/96 for regularization of the casual workers was pending in the High Court. The Bombay High Court had passed in interim order whereby the employment of casual labourers has to be made by creating a pool of labourers who have been engaged from 1-1-1993. They have to be given employment on rotational basis. They are also to be considered for permanent employment as per recruitment and Promotion rules. It is alleged that since the order dated 31st August 1998 in operation the reference was not maintainable. It was alleged that Sunil Adarkar worked between 20-6-1987 to 20-11-1990 M. Sunil Rahekar from 20-8-1986 to 4-6-1992, N.M. Gaikwad 11-12-1987 to 30-6-1999 (It should be 91 and 99 misprint) and Shivaji Jadhav between 18-12-1987 to 23-3-1997. All these persons worked intermittently during the aforesaid period in each case. They were never employed for more than Ninety days at a given point of time. It was denied that any of the four workmen were employed for years together on rotation basis. It was

asserted that first three persons were not covered by the order of High Court. It was denied that the workman were engaged in the work of perennial in nature. The workman were engaged in order to meet the shortage caused by the exigency created on account of absenteeism among the work force of permanent loaders appointed in accordance with rules of recruitment and Promotion of the company. The strength of work force was fixed by the Industrial Engineering Department. There was no violation of items No. 9 and 10 of Vth schedule of the Act. It was alleged that Sunil Adarkar and N.M. Gaikwad were not found eligible for regularization in terms of the order of High Court dated 25-7-1996. It is stated Shri Sunil Rahekar was found suitable and was kept on the panel. Shri S.K. Jadhav did not appear for interview. It was alleged that in the reference in which the award was passed on 30-6-95 by the Presiding Officer, CGIT No. 2 initially the claims for 3 casuals as per letter dated 3-4-90. Subsequently, a list of another 36 persons was added. The demand of these four casual loaders was with held for 1-1/2 years even after the award. The claim was belated. Subsequently, in the same written statement it was stated that out of the four persons involved in reference Shivaji Jadhav alone was entitled to work as a casual labour. His name was included in the list of casual labourers who had worked for three years. The rest of three persons were in eligible to be included in pool. The workman who had worked prior to 1-1-1993 could not be considered.

5. This tribunal framed the following issues :

- (i) Whether the case of all the wokmen is covered by the interim order dated passed by the High Court of Bombay in W.P. No. 1306 of 1996, 27th July, 1996. If so what is the effect ?
- (ii) Whether the workmen were employed in the jobs which are of perennial nature?
- (iii) Whether the Indian Airlines committed unfair labour practice by employing the workmen for ninety days and then by giving artificial breaks ?
- (iv) Whether the aforesaid company committed unfair labour practice by employing other workmen permanently instead of the workmen involved in this case ?
- (v) Whether the workmen have right to claim permanent absorption by way of regularizing them services.
- (vi) Whether the workmen mentioned in the order of reference made by the Central Government are entitled to any relief by way of an award passed by this Tribunal ?

6. The Issue No. 1 is in respect of interim order dated 3rd June 1996 passed by A.P. Shah join W.P. No. 374 of 1996. It is way clear from the order that order was passed without prejudice to rights and contentions of the parties.

The workmen in this case are not even parties to this petition. Therefore, how an interim order could bind the workmen is not understandable. However, it has been pointed out that W.P. No. 374 of 1996 was finally disposed by final order dt. 15th October, 2001. This order was perused. This tribunal finds that the Division Bench of Justice Shri R. M. Lodha and Justice Smt. Nishita Mahatre passed a consent order along the lines of the interim order finally disposing of the petition broadly in terms of the scheme prepared by the company. This order too could not bind these four workmen because they were not parties to the petition. Accordingly, the contention of the learned counsel that the final order bound the workmen in this reference is not accepted. It has held that right of these workmen to raise the industrial dispute cannot be taken away by some workmen who obtained a consent order suitable to their interest. The Issue No. 1 is decided against the company by saying that workmen are not bound by the order passed in W.P. No. 374 of 1996 and similar petitions i.e. W.P. No. 346 of 1996, 1303/96 and 1563/96.

7. The reference No. 2/27 of 1992 resulted in award dated 30th June, 1995. The industrial dispute between the company and its workmen was adjudicated upon by Central Govt. Industrial Tribunal No. 2. The dispute was regarding the 118 casual workmen who were mentioned in Schedule II and III. It related to regularisation and absorption of the workmen employed since 1979 onwards. The reference was made on 7th May, 1992 with a corrigendum dated 29th May, 1992. It is therefore, reasonable to presume that the Union must have raised the dispute in respect of all workmen who were eligible to be entitled to relief in the aforesaid reference. The document W1 filed by the workman Sunil S. Adarkar, Sunil M. Rahekar, Madhukar M. Gaikwad and S. K. Jadhav were first selected in the year 1986. Therefore, ordinarily, these names should have been mentioned in Schedule II and III, (ibid). Even if all the allegations of these workmen is accepted then they would be bound by Award. The operative portion on the Award dated 30-6-95 state as follows :

(a) The management is directed to prepare a list of workers shown in Annexure II and III Ex-16 on the basis of the first appointment excluding the persons already appointed.

(b) The management is to consider the suitability of these persons for appointment on regular basis leaving aside the criteria of age.

(c) The management is directed to absorb all these persons (as per para 2 above) within a year from today as per the seniority list. (As per para one above).

(d) So far as the claims of other workers who are not in the Schedule II and III deem to be rejected.

(e) the Indian Airlines Mumbai is fined to pay Rs. 1000/- for practicing unfair labour practice under Section 25 (u) of the Industrial Disputes Act, 1947.

It is clear from the clause (d) above that relief in the Award was confined to those workmen shown in Annexure II and III of Ex-16. The clause (d) specifically says that claim of other workers who are not in Schedule II and III shall be deemed to be rejected. If this be the position, then claim of other workers was rejected by the Central Govt. Industrial Tribunal No. 2, Mumbai. It is not for this tribunal to sit in judgement over the award dated 30-6-1995. It has become final so far it is concerned. The Union have not argued that clause 4 of the award has been set aside. No Fresh award can be passed in view of the aforesaid circumstances. It is true that no issue was framed in this behalf. However, pleadings of the company as well as the Union that the aforesaid admit the passing of the aforesaid award.

8. It appears from the written statement that the company had taken a contrary in stand in respect of Sunil Rahekar and S.K. Jadhav. At one place it says that Sunil Rahekar was selected in the panel created by virtue of the order of the learned single Judge of Bombay High Court. At another place it says that Sunil Rahekar was not covered as he had not been engaged after 1-1-1993. It was stated earlier in the same written statement that S.K. Jadhav did not appear in the interview. Subsequently, it was said Shivaji Jadhav was included in the panel. This tribunal states that it is not entitled to pass any award on the basis of the orders passed in the writ petitions in this reference. Therefore, any right acquired by any workmen by virtue of interim or final order in the aforesaid petition shall not be affected in any manner by this award.

9. The reference made to this tribunal is rejected by stating that the workman cannot claim any relief in this reference in view of the clause 1 and 4 of operative portion of the Award dated 30-6-1995 in reference No. 2/27 of 1992 presided over by Shri S. B. Panse, Presiding Officer, Central Govt. Industrial Tribunal No. 2, Mumbai.

S.C. PANDEY, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2003

का.आ. 2843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंटरनेशनल कार्गो कैरियर प्रा. लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण I, मुम्बई के पंचाट (संदर्भ संख्या 31/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-2003 को प्राप्त हुआ था।

[सं. एल-11012/25/2003-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 9th September, 2003

S.O. 2843.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2003) of the Central Government Industrial Tribunal-

Labour-Court No. I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of International Cargo Carriers P. Ltd. and their workman, which was received by the Central Government on 8-9-2003.

[No. L-11012/25/2003-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT:

Shri Justice S. C. Pandey
Presiding Officer

REFERENCE NO. CGIT-31/2003

Parties : Employers in relation to the management of
International Cargo Carrier Pvt. Ltd.

AND

Their Workmen

APPEARANCES:

For the management : Mr. A. N. Mulla, Adv.

For the workman : Absent

State : Maharashtra

Mumbai dated the 28th day of August, 2003

AWARD

1. This is a reference made by the Central Govt. under clause (d) of Sub-section 1 read with Section 2A of Section 10 of the Industrial Disputes Act, 1947. The terms of reference are as follows:

Whether the action of the management of International Cargo Carriers Pvt., Ltd. Mumbai in terminating the services of Shri Vithal Alishetty w.e.f. 28-12-2001 is legal and justified? If not, to what relief is Shri Vithal Alishetty entitled?"

2. The matter was fixed for filing of Statement of Claim/ Written statement by the parties. However, both the parties have concluded an amicable settlement. Today, the learned counsel for the management Mr. A.N. Mulla has filed a Settlement between the parties and requested this tribunal to dispose of this reference in terms of the settlement.

3. After examining terms of settlement as requested by the counsel for the management, this tribunal comes to the conclusion the terms are valid and are in accordance with law. Accordingly this tribunal passes this Award on the following terms of settlement:

(i) The Company agrees to pay and the Workman hereby accepts an amount of Rs. 96,518/- (Rupees Ninety six thousand five hundred and eighteen only) in full and final settlement of all his legal dues including leave salary, gratuity etc.

(ii) In addition, the Company agrees to pay and the Workman hereby accepts an amount of Rs. 66,337/- (Rupees Sixty six thousand three hundred thirty seven only).

(iii) The workman hereby accepts the above amounts from the Company in full and final Settlement of all his claims of whatsoever nature against the Company, including the demands raised by him before the Conciliation Officer.

(iv) The workman hereby agrees and declares that upon receipt of the payment as above all his claims, demands and dues, including but not limited to the claims of reinstatement, reemployment, backwages, bonus, leave, gratuity, consequential benefits etc., are fully and finally settled and satisfied.

(v) The workman further declares that he has no further claim of whatsoever nature against the Company and all his claims against the Company are hereby settled and satisfied.

4. In view of aforesaid terms and conditions, the parties to the dispute pray the Central Government Industrial Tribunal to dispose of the said reference in terms of this settlement.

5. Accordingly as prayed by the counsel for the management this reference is disposed by passing the award on aforesaid terms. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2003

का० आ० 2844.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, मुम्बई के पंचाट (संदर्भ संख्या 1/53 ऑफ 1998) जो कि उक्त न्यायाधिकरण के आदेश दिनांक 27-8-2003 के अनुसार संशोधित किया गया है को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2003 को प्राप्त हुआ था।

[सं. एल-31012/8/96-आई आर (एम)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 11th September, 2003

S.O. 2844.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/53 of 1998) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Mumbai, which has been modified by the said Tribunal by Order dated 27-8-2003 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 10-9-2003.

[No. L-31012/8/96-IR (M)]

C. GANGADHARAN, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI****Present :**

Shri Justice S. C. Pandey
Presiding Officer.

REFERENCE NO. CGIT-53/1998

Parties : Employers in relation to the management of

Mumbai Port Trust

And

Their Workmen

Appearances :

For the Management : Mr. M. B. Anchan, Adv.

For the workman : Mr. Jayprakash Sawant, Adv.

State : Maharashtra

Mumbai dated the 21st day of August, 2003.

AWARD

1. This is a reference made by the Central Government in exercise of its powers vested in it by virtue of clause (d) of Sub-section (1) of Section 10 read with Sub-section 2A of the Industrial Disputes Act (the Act for short). The order of the Central Government dated 10-12-1998 indicates that it had declined to refer the dispute by letter dated 03-10-1996. This order was quashed by the High Court of Bombay in Writ Petition No. 2022 of 1997. Consequently, as per directions of the High Court, the industrial dispute between the Mumbai Port Trust (M.B.P.T. for short) and Deepak Sakharam Raut (the workman for short) was referred to this tribunal. The terms of the order of reference as given in schedule are as follows:

Whether the action of the management of Mumbai Port Trust in terminating the services of Mr. Deepak Sakharam Raut, CME's Deptt. w.e.f. 30-4-1987 is legal and justified? If not, to what relief the workman is entitled?

2. The workman stated in his Statement of claim that he was employed as an Asstt. Welder with effect from 13-2-1986. He claimed that his services were terminated from 01-5-1987 (not from 30-4-1987) by the M.B.P.T. His employment was continuous throughout and as such he had completed more than 240 days when his services were terminated. The workman claimed that the order of termination was in violation of Section 25F of the Act. The workman asserted that the M.B.P.T. violated Section 25G and 25H of the Act read with the rules framed by Central Government under the Act by retaining the services of person who was junior to him and was ranked below in the selection panel. The workman stated that he may be

reinstated with full back wages. He claimed continuity in services and other consequential benefits.

3. The M.B.P.T. in its written statement stated that the workman was dismissed on 30-4-1987. The Union raised the dispute on 26-9-1994. The reference should, therefore, be rejected on the ground of delay. It was claimed that workman at the bottom in order of merit at No. 6 in the merit list of Asstt. Welders. The appointment of the workman was temporary between 13-2-1986 to 31-5-1986, 30-9-86 to 31-12-1986 and 05-1-1987 to 30-4-1987. The services of the workmen were discontinued from 01-5-1987 because since the post of Asstt. Welders was not available, on account of the facts, that the persons working as welders were absorbed as Asstt. Welder the workman was sought to be absorbed as a Mazdoor. He failed in his physical test and therefore, he could not be absorbed. It was stated since the appointment of the workman was temporary, on a project which itself was temporary, the workman was not entitled to claim any benefit under the Act. It was also stated that surplus staff was tried to be absorbed but workman was junior to those absorbed despite the fact two persons i.e. Jadhav and Tondlekar had joined the services a few days after the workman joined. It is difficult to accept the statement that a person who joins later can still be treated as senior.

4. The workman in his rejoinder pointed out that the order of the Central Government rejecting the requests of the workman to refer the dispute to this tribunal has been set aside by the High Court of Bombay. The Central Government had rejected the request for adjudication on the ground of delay of 7 years. The workman claimed that he was regularly employed. He was not on any temporary project. The workman also stated in the Panel recommending him for absorption by the Chief Mechanical Engineer, he was at No. 3. He gave the entire panel allegedly prepared by the Chief Mechanical Engineer in his rejoinder. He stated that out of panel of 6 prepared by the Chief Mechanical Engineer No. 4 and 6 were absorbed. Both were junior to him.

5. The tribunal framed the following issues:

(i) Whether the termination of the services of Shri Deepak Sakharam Raut resulted in violation of Section 25F, 25G and 25H of the Industrial Disputes Act, 1947 and rules made thereunder?

(ii) Whether the aforesaid Act of termination of services amounted to victimization or is otherwise illegal and unjustified?

2. Whether the employer is in a position to justify its action on the ground taken by it in the written statement?

3. To what relief, if any the workman is entitled to?

6. The workman filed his affidavit in lieu of examination in chief. He was cross-examined. Thereafter, he closed his case. The M.B.P.T. filed the affidavit of

R. N. Mahadikar. He was cross-examined. Thereafter, the parties closed their case.

7. In paragraph 6 of the written statement, it has been pleaded specifically that the workman worked as temporary Asstt. Welder between 13-2-1986 to 31-5-1986, 30-9-1986 to 31-12-1986 and 5-1-1987 to 30-4-1987. His services were terminated from 1-5-1987. Therefore, the workman appears to be right in contending that there is slight mistake in order of reference when it says that services of the workman were terminated w.e.f. 30-4-1987. In view of the admitted position, this tribunal holds that the workman served till 30-4-1987. It is clear from the cross examination of the workman that he admitted he worked as a temporary Asstt. Welder between 13-2-1986 to 31-5-1986, 30-9-1986 to 31-12-1986 and 05-1-1987 to 30-4-1987. In view of the specific pleadings in the written statement and the cross-examination of the workman, R. N. Mahadikar could not have stated in his affidavit that the workman worked as a temporary welder from 08-1-1987 to 31-12-1987 and not between 5-1-1987 to 30-4-1987. This tribunal holds that workman worked as a temporary welder with MBPT between 13-2-86 to 13-5-1986, 30-9-1986 to 31-12-1986 and 5-1-1987 to 30-4-1987. Now in view of above findings it is necessary to find out for how many days the workman worked between 30-4-1986 to 30-4-1987. i.e. between 12 calendar months. The workman worked for 32 days between 30-4-86 to 31-5-86. He worked for 93 days between 30-9-86 to 31-12-86. He further worked for 116 days between 5-1-87 to 30-4-87. The total comes to 241 days. Thus the workman had worked for 241 days within a period of 12 calendar months preceding the date of the termination of his services. He is covered by Section 25B (2)(a)(ii) of Act. Thus he could not be retrenched in violation of Section 25F of the Act. It has not been specifically pleaded that workman was not covered by the definition of retrenchment by MBPT by saying that the services of the workman were terminated on account of non-renewal of the contract of employment or on account of any stipulation in the contract of employment. The workman had in cross-examination stated that he was working at the workshop as Asstt. Welder since 1986. R. N. Mahadikar also says that the workman was working in the workshop of MBPT. It is true that the witness also stated that the workman was posted at inner lock gate for some time. However, the cross-examination belies the claim of witness in his affidavit that the appointment of the workman was for the work of special Repairs to Hughes Dry Dock casson Dock No.1 and special repair to Inner lock gate only. The evidence of this witness does not inspire any confidence for coming to conclusion that the workman was appointed for a particular period till the work lasted. He appears to have been posted at the workshop wherein regular work is performed. Thus, the conclusion that the workman was retrenched from his service as a Asstt. Welder in violation of Section 25F of the Act. In view of the aforesaid conclusion, it is not necessary

to consider if any violation was committed by MBPT in respect of Section 25-G and 25-H of the Act. Thus, issue No. 1(a) and (b) is decided in favour of the workman by saying that termination of his services w.e.f. 1-5-1987 was illegal and void. The issue No. 1 (b) and 2 are also decided in favour of workman by saying that the workman was victimized because as per case of the MBPT that the was offered the post of mazdoor. The witness examined by MBPT admitted exhibit W3. It appears that the Chief Mechanical Engineer had approved a panel of candidates fit to be appointed as temporary Asstt. Welders. The name of workman was at No.3. Therefore, there appears to be no justification for offering him post of Mazdoor when exhibit W3 indicated that there were six vacancies of Asstt. Welders. R. N. Mahadikar admitted in cross-examination that 5 persons were appointed/promoted on 7-7-1987. It appears that sixth vacancy was not filled with a view to victimize the workman and there is no justification for this course adopted by MBPT. The MBPT wrongly thought that V.G. Jadhav or S. R. Tondlekar could be treated as Senior to the workman. No order has been filed that seniority was conferred upon them on any basis.

8. The next question that has to be decided if delay in raising the dispute by the workman should be held as fatal to this reference. It has to be noticed that present reference was made by the Central Govt. when its order declining adjudication on 3-10-1996 was quashed in W.P. No. 2022 of 1997 by the High Court of Bombay. In view of the fact that the superior court directed the Central Govt. to refer the dispute for adjudication despite the fact that the adjudication was declined on the ground of delay, it is not open to this tribunal to consider the matter which has been considered by the High Court. That apart this tribunal can declare to grant relief to the workman regarding back wages because of delay.

9. The result of the aforesaid discussion that this reference is disposed of by stating that the workman could not have been retrenched from 1-5-1987. He should be reinstated as Asstt. Welder with effect from 1-5-1987. He will get all the benefit of remaining in service from 1-5-1987 except back wages. The MBPT shall grant him seniority on the foundation that he was in service from 01-5-1987. He shall be absorbed as Asstt. Welder w.e.f. the date the person next below him was absorbed. He shall be entitled to further promotion on the basis of his seniority. The MBPT shall consider him promoting to next higher cadres as if he was working as an Asstt. Welder from the date he is found due for promotion. i.e. from the date the person just below him in seniority was promoted. The pay of the workman and other dues shall be fixed in accordance with the notional pay to which he would have been entitled had he been working with MBPT from 1-5-1987. Accordingly, this award is passed. No. costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2003

AWARD

का. आ. 2845.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैथोलिक सिरेन बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में लेबर कोर्ट, अर्नाकुलम के पंचाट (संदर्भ संख्या 11/2001 (सी)) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2003 को प्राप्त हुआ था।

[सं. एल-12011/30/2001-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th September, 2003

S.O. 2845.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award [I.D. No. 11/2001/(C)] of the Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Catholic Syrian Bank and their workman, which was received by the Central Government on 10-9-2003.

[No. L-12011/30/2001-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM**

(In the Labour Court, Ernakulam)

(Thursday, the 21st day of July, 2003)

Present :**Smt. N. Thulasi Bai, B.A. LL.B.,****Presiding Officer**

Industrial Dispute No. 11 of 2001 (Central)

Between

The Chairman, The Catholic Syrian Bank Limited, Head Office, Thrissur.

And

The workman of the above concern represented by the General Secretary, Catholic Syrian Bank Staff association, ABBEA House, Kaliath Royal Square, Palace Road, P.B. No. 506, Trissur.

Representations :

Sri. B. S. Krishnan, ... For Management
Advocates.
Ernakulam

Sri. Renjith Thampan, ... For Workman
Advocates.
'Lakshmi',
Ernakulam, Cochin-18.

This reference was made by the Central Government as per order No. L-12011/30/2001-IR (B.I.) dated 25-5-2001. The dispute is between the management of Catholic Syrian Bank Limited, Trichur and their workman represented by the General Secretary Catholic Syrian Bank Staff Association, Trichur. The dispute referred is :

"Whether the action of the management of Catholic Syrian Bank, Trichur Head Office in reducing the grant of joining time excluding journey time to 2, 3, 6 days to the employees on general transfer in violation of the binding first bipartite settlement is justified? If not, what relief the employees are entitled?"

* 2. Pursuant to notices issued from this court the union and management appeared through counsel. The union filed a claim statement and the management filed a written statement raising their respective pleadings. Thereafter the case was pending for rejoinder. In spite of repeated chances no rejoinder was filed and the union and counsel were absent. So the case was adjourned for evidence. Even thereafter the union and counsel were absent for the last 3 postings. Today when the case was called the union representative and their counsel were absent and the management's counsel was present. Under the above circumstances I am satisfied that the union is not interested in prosecuting the reference thereby it can be found that there exists no industrial dispute at present between the parties to be adjudicated by this court.

In the result, the award is passed finding that there exists no industrial dispute between the parties at present to be adjudicated by this court.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 21st day of July, 2003.

N. THULASI BAI, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2003

का. आ. 2846.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन० एफ० रेलवे गुवाहाटी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण गुवाहाटी, आसाम के पंचाट (संदर्भ संख्या 1 (सी) ऑफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-09-2003 को प्राप्त हुआ था।

[सं. एल-41011/29/2002-आई आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th September, 2003

S.O. 2846.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the award [(Ref. No. 1 (C) of 2001)] of the Industrial Tribunal, Guwahati, Assam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of N.F. Railway and their workman, which was received by the Central Government on 10-9-2003.

[No. L-41011/29/2002-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL: GUWAHATI: ASSAM.

REFERENCE NO. 1 (C) OF 2003.

PRESENT: Shri H.A. Hazarika, LL.B.,
Presiding Officer,
Industrial Tribunal, Guwahati.

In the matter of an Industrial dispute between :

The General Manager (P),
N.R. Railway, Guwahati.

Vs.

Their workman represented by the General Secy.
Rail Mazdoor Union, N.F. Railway,
27/B, Rest Camp, Pandu.

Date of Award : 31-7-2003.

AWARD

The reference arising out of the Govt. Order No. L-41011/29/2002/IR (B-I) dt. 26-11-2002 relates to the dispute indicated in the schedule below :

“Whether the action of the Management of N.F. Railway (Hereinafter General Manager (Personal) in not conceding the demand for absorption in respect of Shri Asim Sarkar and nine other in Sl. No. 1-3, 5-7, 9-12 as per list enclosed is justified ? If not, what relief these 10 persons in the list as per Sl. No. mentioned above are entitled?”

The learned advocate Mr. K.C. Sarma though not filed *hazira* personally present representing the management. The learned advocate for the workmen Mr. K.K. Biswas is present and submitted a petition.

On perusal of the petition it is found that the management have taken necessary steps for redressal of the grievances of the workers.

Further in the para 3 of the same petition it is stated as given below : “That because of the initiative taken by the management it would, therefore, be infructuous to contest the instant case.”

It is also prayed to dispose the petition by this tribunal.

Under the above fact and circumstances I find that between the workmen and management amicably settlement is arrived at for which the union does not like to

proceed with the matter. In the result I think for ends of natural justice it will be just to disposed this reference matter with a no dispute award. Accordingly prepared a no dispute award and sent it to concerned Govt. immediately.

H.A. HAZARIKA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2003

का. आ. 2847.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बिकानेर एंड जयपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट, जयपुर के पंचाट (संदर्भ संख्या सीजीआईटी-62/2001 को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-09-2003 को प्राप्त हुआ था।

[सं. एल-12012/293/2001-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 11th September, 2003

S.O. 2847.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No. CGIT-62/2001 of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 10-09-2003.

[No. L-12012/293/2001-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

Case No. CGIT-62/2001.

Reference No. L-12012/293/2001 [IR (B-I)]

Sh. Rajulal Meena

S/o. Sh. Kalyan Mal Meena.

R/o Vill-Hanutiya Bujurg.

P.O. Chennai, Teh. : Newai.

Distt. Tonk (Rajasthan). . . Applicant

Versus

The Managing Director,

State Bank of Bikaner & Jaipur.

Post Box No. 154, Tilak Marg.

Jaipur (Rajasthan)-5.

. . . Non-applicant

PRESENT:

Presiding Officer : Sh. R.C. Sharma

For the applicant : None.

For the non-applicant : Sh. Anurag Agrawal.

Date of award : 7-8-2003

AWARD

1. The Central Government in exercise of the powers conferred under Clause D of Sub-section 1 & Sub-section 2(a) of Section 10 of the Industrial Disputes Act, 1947 (for short, the Act) has referred the following industrial dispute to this Tribunal for adjudication, which runs as under :—

“Whether Shri Rajulal Meena S/o Kalyan Mal Meena was a workman of the State Bank of Bikaner and Jaipur, Raholi Branch from September, 1995 to September, 1999. If so, whether the action of the management in terminating the services of the disputant w.e.f. 30-9-1999 is justified? If not, what relief he is entitled?”

2. The workman in the statement of claim has averred that he was engaged as Class IV employee/helper in September, 1995 by the non-applicant management, who was earlier paid his monthly emoluments in the different names, but from January, 97 onwards the payments of his monthly salary were paid to him. He requested the Manager to regularise his service, but it was of no avail and on the contrary, his service was terminated in violation of the provision under Section 25 of the Act, which tantamounts to the retrenchment. He has further stated that he has completed more than 240 days of the service in the preceding year. The workman has also taken a plea that after terminating his service, the new persons in place of him have been appointed by the non-applicants without calling him and thus, they have violated the provision under Section 25-H of the Act. He has prayed that he may be reinstated in the service with all consequential benefits.

3. Opposing the claim, the non-applicants have denied the facts as stated by the claimant and have stated in their written statement that the applicant had worked on contractual basis on different posts/terms and on amount agreed upon by him with the non-applicant establishment and therefore, the provisions of Section 25-G and 25-H of the Act are not applicable. They have further denied that he ever completed the working of 240 days with the non-applicant management and that there is a set procedure of the appointment and recruitment in the bank and all the appointments are to be made strictly in accordance with the set provisions and nobody can be appointed without following the procedure prescribed for the appointment.

4. In the rejoinder, the workman has reiterated the facts as pointed out in the statement of claim.

5. On the pleadings of both the parties, the following points for determination were framed :—

- (i) Whether the working was engaged as Class IV employee/helper in September, 95 by the non-applicants, who was paid his monthly emoluments in different names from January, 97 onwards by the non-applicants ? BOA
- (ii) Whether the working has completed more than 240 days of his service in the preceding 12 months ? BOA
- (iii) Whether the non-applicants, in violation of the provision under Section 25 of the Industrial Disputes Act, 1947, have terminated the service of the workman ? BOA
- (iv) Whether the non-applicants have engaged other persons in place of the applicant without calling and giving preferential treatment to the working and has, thus, violated the provision under Section 25-H of the Act ? BOA
- (v) Whether the absence of legal conciliation proceedings, reference is illegal and bad in law, and is liable to be dismissed ? BONA
- (vi) Relief, if any.

6. Despite the several opportunities being provided to the workman, he could not be able to adduce the evidence on his behalf and, therefore, on 6-8-2003, his evidence was closed.

7. I have heard the ld. representative for the non-applicants and have perused the file.

8. On a perusal of the facts stated above, it appears that the workman is no more willing to contest the dispute further and he has not even submitted his affidavit in support of his claim despite of the fact that he was given several opportunities to produce it before the Tribunal. Therefore, under these circumstances, a “No Dispute Award” is passed in the present case.

9. Let a copy of the award may be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2003

का. आ. 2848.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवादों केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट, कानपुर के पंचाट (संदर्भ संख्या आई. डी. नं० 31/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2003 को प्राप्त हुआ था।

[सं. एल-12012/25/2002-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th September, 2003

S.O. 2848.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 31/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 10-09-2003.

[No. L-12012/25/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI SURESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT SARVODAYA
NAGAR, KANPUR, U.P.**

Industrial Dispute No. 31/2002

Industrial dispute between—

Sri Bhagat Singh

S/o late Sri Sumer Singh

C/o Sri R.K. Sharma

Office 123/494 Fazalganj

Kanpur.

And

The Deputy General Manager

State Bank of India Zonal Office

Region (V) M.G. Road, PB No. 453

Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/25/2002 9-IR(B-I) dt. 17-5-02 has referred the following dispute for adjudication to this tribunal :

Whether the action of the State Bank of India, Zonal Office Kanpur in dismissing Sri Bhagat Singh, Guard at Motijheel Branch from the bank's service w.e.f. 31-12-98 is justified? If not what relief the workman is entitled?

2. In the instant case after receipt of reference order repeated notices were sent to the workman for filing of statement of claim. It is clear from the order sheet of the case that the workman or his representative is not attending the proceedings of the case. Dated 9-10-02, 14-11-02, 23-1-03, 30-1-03, 11-3-03, 24-4-03, 5-6-03 and 9-7-03 were given to the workman but except on

14-11-02 workman and his representative ever appeared in the case before this tribunal. Even on 3-9-03 when the case was taken up for hearing neither the workman nor his representative was present nor any application in the case was moved on his behalf. Thus from the facts and circumstances of the case it is abundantly clear that the workman is not interested in prosecuting his case.

3. In these circumstances the tribunal is left with no option but to hold that the workman is not entitled for any relief for want of pleadings and proof. Accordingly it is held that the workman is not entitled for any relief in pursuance of the reference made to this tribunal. Reference is therefore answered against the workman.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2003

का. आ. 2849.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट, चंडीगढ़ के पंचाट (संदर्भ संख्या आई. डी. नं० 181/90 को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-09-2003 को प्राप्त हुआ था।

[सं. एल-12012/178/90-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 11th September, 2003

S.O. 2849.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 181/90) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 10-09-2003.

[No. L-12012/178/90-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH**

PRESIDING OFFICER : SHRI S. M. GOEL

Case No. ID. 181/90

General Secretary, S.B.I. Staff Congress
3135, Sector 22-D, Chandigarh.

...Applicant

V/s.

Regional Manager,
State Bank of India, Punjab Region,
Region-V, Sector-17, Chandigarh

...Respondent

REPRESENTATIVES

For the Workman : Shri J.G. Verma
For the Management : Shri V.K. Sharma

AWARD

(PASSED ON 14TH JULY, 2003)

The Central Govt. Ministry of Labour, vide Notification No. L 12012/178/90-I.R. (B-3) dated the 14th November, 1990 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of India, Region V, Punjab, in terminating the services of Sh. Kulwinder Singh w.e.f. 12-2-84 is justified ? If not, to what relief the concerned workman is entitled to and from what date?"

2. It is pleaded in the Claim Statement that the applicant was employed by the Bank as Godown Keeper at Gurni Har Sahai Branch w.e.f. 15-11-83 and his services were terminated on 11-2-1984 to accommodate another persons. The Management has also not offered appointment to him after his termination thus the Management has violated the provisions of 25-H of the I.D. Act. It is prayed that the applicant may be reinstated in service in permanent vacancy with full back wages and other benefit.

3. In the Written Statement it is admitted that applicant was appointed as temporary Godown Keeper for 89 days only and his services were terminated as no longer required. It is further pleaded that workman has not completed 240 days of service, therefore, he is not entitled for the benefits provided under Section 25-F of the I.D. Act. Regarding violation of 25-H, it is pleaded that the applicant has not mentioned any name of any person who might have been appointed in the Bank before and after 1985. It is thus prayed that there is no merit in the reference and the same be rejected.

4. The replication was also filed reiterating the claim made in the Claim Statement.

5. In evidence applicant filed his own affidavit as Ex. W1. In rebuttal the Management examined D.K. Kaushal as MW1 who filed his affidavit Ex. M1.

6. I have heard the Learned Counsel for the parties and have gone through the evidence and record of the case. The facts of the case are not disputed. The only claim the applicant demanded is that after his termination many persons were appointed. The workman has not given any name or produced any record to substantiate this averment that many persons were appointed by the bank after his termination. Therefore, in the absence of any proof it cannot be held that the Management has violated the provisions of Section 25-G and H. of the I.D. Act. Moreover, the Learned Representative of the Management has also referred me to the Case Law reported in 1994(1) PLR Page

310 wherein the Hon'ble High Court has categorically held that where the workman admittedly had less than 240 days of service it is not necessary for the management to comply with other provisions of I.D. Act, Especially when disputes regarding re-employment has not been referred to the Industrial Tribunal. Admittedly in the present case the workman has worked only for 89 days. Therefore, following the law laid down by the Hon'ble High Court in the above referred judgement the Management was not under any obligation to comply with the other provisions of the I.D. Act when the applicant had not completed 240 days in a calendar year. It is also pertinent to mention here that the dispute referred by the Appropriate Govt. to this Tribunal is regarding termination of service and not of re-employment. Therefore, I find no merit in the present reference and the same is answered against the workman. Central Govt. be informed.

Chandigarh

14-7-2003.

S.M. GOEL, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2003

का. आ. 2850.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट, चंडीगढ़ के पंचाट (संदर्भ संख्या आई. डी. नं० 14/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-09-2003 को प्राप्त हुआ था।

[सं. एल-12012/54/94-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 11th September, 2003

S.O. 2850.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 14/95) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 10-09-2003.

[No. L-12012/54/94-IR(B. 1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH**

PRESIDING OFFICER: SHRIS.M GOEL**Case No. ID. 14/95**

General Secretary,
All India State Bank of Patiala
Staff Federation, 356/7,
Panchkula (Haryana)

...Applicant

V/s.

General Manager,
State Bank of Patiala,
The Mall, Patiala.

...Respondent

REPRESENTATIVES

For the Workman : J.G. Verma
For the Management : N.K. Zakhmi

AWARD

(Passed on 14th July, 2003)

The Central Govt. Ministry of Labour, vide Notification No. L-12012/54/94-I.R. (B) dated the 6th February, 1995 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of Patiala, in transferring Sh. Rajiv Bhardwaj, Cashier/Clerk from Chandigarh to Anandpur Sahib is legal and justified, If not, to what relief the concerned workman is entitled?”

2. The representative of the workman made a statement today that the workman has been transferred from Anandpur Sahib to Kurali and from Kurali to Matur and now he does not want to pursue with the present reference and prayed that the same may be returned as withdrawn. In view of the above statement the present reference is returned as withdrawn to the Appropriate Govt. Appropriate Govt. be informed.

Chandigarh,

14-7-2003.

S.M. GOEL, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2003

का. आ. 2851.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उड़ीसा माईनिंग कॉर्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 397/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2003 को प्राप्त हुआ था।

[सं. एल-29012/1/2001-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 11th September, 2003

S.O. 2851.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 397/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Orissa Mining Corpn. Ltd. and their workman, which was received by the Central Government on 11-09-2003.

[No. L-29012/1/2001-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

SHRI S. K. Dhal, OSJS, (Sr. Branch),

Presiding Officer

C.G.I.T.-cum-Labour Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 397/2001

Date of Conclusion of hearing—27th Aug. 2003

Date of Passing Award—2nd September, 2003

Between

The Management of the General
Manager (P & A), Orissa Mining ... 1st Party
Corporation Ltd. Bhubaneswar, Management
Orissa

And

Their Workman Shri Sisir Kumar Bhanja,
At/PO. Narugram, Dist. Burdwan
West Bengal, Burdwan-713424 ... 2nd Party
Workman

APPEARANCES:

M/s. M.R. Mohanty, Advocate : ... For the 1st Party
Management

M/s. B.C. Bastia & Associates, ... For the 2nd
Advocate Party Workman

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/1/2001/IR(M), dated 2-6-2001:

“Whether the action of the Management of Orissa Mining Corporation in not accepting the joining report of Shri Sisir Kumar Bhanja, Ex-Mining Mate of OMC after availing two years of medical leave is justified? If not, to what relief the workman is entitled to?”

2. The case of the 2nd Party runs thus :—

He was appointed as Mining Mate after due selection. His first place of posting was as Dolki Mines and there he worked from 23-9-1981 to 30-9-1984. Again he was transferred to Santoshpur Granite Quarry and continued there for six months. Again he faced transfer to Nishikhala Manganese Mines which is under the 1st Party-Management. He was appointed on 59 days term with one

day break and served at Nishiala Manganese Mines till 15-5-1992. Thereafter he proceeded on leave for five days and went to his native place at Burdhawan in the state of West Bengal. There he suffered from Malaria and Jaundice and extended his leave by sending the intimation to the Mines Manager. After recovery he came to his place for joining on 17-3-1994 and submitted his joining report but his joining report was not accepted on the ground of non-submission of medical certificate. So, he submitted the medical certificate on 4-5-1994 but he was not allowed to join and his joining report was not accepted. He made several correspondence with the 1st Party-Management to allow him to join but he could not get any reply. When he lost his patience he raised a dispute and after failure of conciliation the present reference has been made. In the Claim Statement, he has prayed to direct the 1st Party-Management to allow him to join with continuity of service and back wages and with all other consequential service benefits.

3. The 1st Party-Management has filed their Written Statement. The engagement of the 2nd Party has not been disputed. The stand of the 1st Party-Management is that, the 2nd Party was never appointed in a regular post. He was a casual worker. After proceeding on leave he remained absent without any intimation and he remained on leave for about two years. By the time he came to join the mining operation was closed. So, there was no scope for the 1st Party-Management to accept the joining report and to allow him to work. The second stand of the 1st Party-Management is that as he was a casual worker it was not necessary to recall him or to take any legal action. Another stand was taken that the 2nd Party was engaged under some other Management during his leave period. The 1st Party-Management has prayed to answer the reference in their favour.

4. On the above pleading of the parties the following Issues have been settled.

ISSUES

1. Whether the action of the 1st Party-Management of Orissa Mining Corporation limited in not accepting the joining report of Shri Sisir Kumar Bhanja, Ex-Mining Mate of Orissa Mining Corporation after availing two years of medical leave is justified?

2. If not, to what relief the workman is entitled?

5. The 2nd Party has examined himself as one of the witnesses and had produced a large number of documents, which have been exhibited in the case as Ext.- 1 to Ext.- 26. On behalf of the 1st Party-Management one Deputy Manager (Administration) has filed the affidavit evidence and he has been duly-cross-examined by the 2nd Party. The 1st Party-Management has relied on 29 documents, which have been marked as Ext.-A to Ext.-E/13.

FINDINGS

ISSUE NO. 1

6. The stand of the 1st Party-Management is that, the disputant was a casual worker and that, there was no necessity for the 1st Party-Management to recall him or to draw any proceeding for the misconduct also cannot be accepted. The reason is that the 2nd Party has been appointed after due selection against a sanctioned post which is revealed from the Ext.- 25. The 1st Party-Management has invited the attention of this Tribunal to the documents (Ext.-D to D/11) to support their stand that, the appointment of the 2nd Party was for temporary period. Admittedly after first appointment the 2nd Party was issued with an appointment order for 59 days giving one day break. It is submitted that, the 1st Party-Management was issuing the appointment orders on the request of the 2nd Party. On the other hand, it is submitted on behalf of 2nd Party that, the break shown by issuing different appointment orders was a motivated break and the documents (Ext.- D to D/11) are only intended to avoid the claim of the 2nd Party. The Ext.D series on which the 1st Party-Management has placed much reliance are the applications of the 2nd Party for his appointment. It is not believable that a Management would issue an appointment order to a person on his request when there is no post or no availability of the work. In other words, the 1st Party-Management can not act according to the tune of any person because the 2nd Party has been appointed and has been allowed to continue for a long period because there was availability of work and post was lying vacant. The break shown is a motivated break. So, in that case, I agree with the submission made on behalf of the 2nd Party that, he can not be rated as a casual worker and there was no continuity in his service.

7. Admittedly, the 2nd Party applied leave for five days and visited to his home town. The documents produced on behalf of the 2nd Party Ext. 9, 10, 11 and 12 would reveal that, necessary intimations have been given to the 1st Party-Management by the 2nd Party for his absence and those letters have been sent by registered post and none of the letters have been received back and that would suggest that intimations have been duly reached with the 1st Party-management. So, it can not be said that, he remained absent without any intimation. Admittedly, the 1st Party-Management has not accepted his joining report and asked him to produce the medical certificate and when he produced the same he was not allowed to join. The documents filed on behalf of both the parties would reveal that, the 1st Party-Management made correspondence with their higher authorities regarding the joining of 2nd Party but no specific order was passed or issued as regards acceptance of the joining report of the 2nd Party. The stand of the 1st Party-Management is that, the 2nd Party was not allowed to join because by the time

he joins the mining work was closed can not be accepted in view of the letter of the 1st Party-Management which has been exhibited in this case as Ext.-19 which reveals that, there was need and requirement of three Mining Mates for Nishikhala Mines where the 2nd Party was working. No material was placed before this Tribunal by the 1st Party-Management to take a different opinion against the contents of Ext.-14 which has been admitted without objection and that is the document of the 1st Party-Management. The third stand of the 1st Party-Management is that the 2nd Party was working in Konark Textiles and Exports Pvt. Ltd. during his leave period also can not be accepted in absence of any materials. Only three to four vouchers with signature of the 2nd Party-Workman have been produced and that admittedly does not prove the employment of the 2nd Party under Konark Textiles and Exports Pvt. Ltd. The explanation given by the 2nd Party is that during his leave period he stayed for four to six months with his relation who is a contractor and in absence of his relation and staff he had signed the challans on behalf of his relation. The plea of the 1st Party-Management can not be accepted because this pleading was not taken by the 1st Party-Management while filing the Written Statement. So, the evidence adduced in support of the fact, which has not been pleaded, cannot be accepted. I am not inclined to refer to the oral evidence c. defers adduced on behalf of both the parties because the documentary evidence produced by both the parties are so clear and specific there is no necessity to refer the oral evidence. The documentary evidence is more acceptable than the oral evidence as it is said that a man may lie but not the documents.

8. During Course of argument some case laws have been referred to by the 2nd Party. Those are the case of *M/s. Scooters Ltd. Versus M. Mohammad Yaqub* and another reported in AIR 2001 SC 227, in the case of *National Aluminium Co. Ltd. Versus Deepak Kumar Panda and Others*, reported in AIR 2002 SC 2498, in the case of *Deepak Kumar Panda Versus National Aluminium Company Limited* and others reported in O.L.R. 1996(II) 620 and in case of the *Management of State Bank of India, Phulbani Branch Versus Bipin Bihari Patnaik and Another* reported in O.L.R. 1996(II) 327. No decision has been referred to by the 1st Party-Management. In the first case it was held that the Hon'ble Apex Court that if a person over staying or leave that would not result in automatic termination of service. In the second case the same view was also taken. In that case a workman remained absent unauthorizedly. The plea of the employer that his service stood automatically terminated as per the standing order. This plea was not accepted. It was held that, there would be no automatic termination of services without enquiry or even show cause notice. On the basis of the above observations of the Hon'ble Apex Court the Management is not competent to refuse the 2nd Party to join or refuse to accept his joining report. It was open for the Management to disengage him on any ground after accepting his joining

report either drawing any proceeding or by any other way or as per the terms and conditions of his appointment order. But in this case that has not been done. So the stand of the 1st Party-Management is that when the remained absent he can not be allowed to join because he was a casual worker can not be accepted. In the third case, the Hon'ble High Court of Orissa were pleased to observe that, the compliance of Section 25-F of the Industrial Disputes Act is required even if employment is contractual or for a specific term. In the present case, even if it is accepted for the argument sake that the appointment of the 2nd Party was contractual or for a specific term admittedly the compliance of Section 25-F of the Industrial Disputes act has not been followed. In the case of *Shri Deepak Kumar Panda* the case of the Workman come not be regularized for his long absence. It was not accepted and the order of termination was quashed. It was observed that, the workman fell ill; he duly sent letters and telegrams along with doctor's advice. In spite of that, when his services was terminated it was held that, the termination is illegal. Another case was also referred to by the 2nd Party i.e. the case of the *Management of State bank of India, Phulbani Branch. Versus Bipin Bihari Patnaik and Another*. In that case, the workman was on leave on health ground. He sent letters to the Management given time to join but could not joined within ninety days, thereafter his services was terminated on the ground that, he had no intention to join. In that case it was held that, the Management can not take a stand that, a workman had no intention to join when he did not join and the workman was allowed to join. But this case is standing on a different footing. The 2nd Party after recovery came to the place of working where was available and post was lying vacant but his joining report was not accepted and no specific order or intimation was given to him. Rather the 1st Party-Management made correspondence with their higher authorities. This would suggest that, without fault of the 2nd Party he was refused to join and his joining report was not accepted for the negligence of the 1st Party-Management. In other words the action of the 1st Party-Management of Orissa Mining Corporation in not accepting the joining report of the disputant, *Shri Sisir Kumar Bhanja*, who came to join after availing two years of medical leave is unjustified. Hence, this issue is answered accordingly.

ISSUE NO. II

9. In view of my findings recorded in Issue No. I the 1st Party-Management is directed to accept the joining report of the 2nd Party with retrospective effect i.e. from 4-5-1994 and the 2nd Party is entitled to all the financial benefits i.e. back wages from 4-5-1994. The 2nd Party is not entitled for any relief for the period he remained on leave and it depends upon the 1st Party-Management to consider whether any leave is admissible to him or he (2nd Party) is entitle to get any wages when admittedly he did not attend the work due to his illness.

10. Reference is answered accordingly.

S. K. DHAL, Presiding Officer

**BEFORE THE C.G.L.T.-CUM-LABOUR COURT;
BHUBANESWAR**

I.D. Case No. 397/2001

**List of the Witnesses Examined on behalf of the 2nd Party-
Workmen.**

W.W. 1. Shri Sisir Kumar Bhanja (2nd Party-Workman)

**List of the Witnesses Examined on behalf of the 1st Party-
Management:**

M.W. 1. Shri Sarat Chandra Schoo

**List of Documents exhibited on behalf of the 2nd Party-
Workman**

- Ext.-1. Copy of the letter No. 3001/OMC/JO/89, dated 8-12-1989 call letter from Orissa Mining Corporation.
- Ext.-2. Copy of Mining Mates certificate.
- Ext.-3. Copy of the certificate granted by the Mines Manager, Dalki Mines.
- Ext.-4. Copy of the Appointment Order, dated 5-1-1990.
- Ext.-5. Copy of Appointment Order, dated 1-6-1991.
- Ext.-5/1. Copy of the Appointment Order, dated 27-8-1991.
- Ext.-5/2. Copy of the Appointment Order, dated 23-12-1991.
- Ext.-6. Copy of the Transfer Order, dated 28-8-1991.
- Ext.-7. Copy of list of the Appointment Order dated 9-10-1991.
- Ext.-7/1. Copy of the Appointment Order, dated 7-2-1992.
- Ext.-8. Copy of the competency certificate, dated 15-9-1991.
- Ext.-9. Copy of the letter dated 26-5-1991.
- Ext.-10. Copy of the letter, dated 5-6-1992.
- Ext.-11. Copy of the letter dated 20-8-1992.
- Ext.-12. Copy of the letter dated 17-3-1994.
- Ext.-13. Copy of the Medical Certificate, dated 7-2-1994.
- Ext.-14. Copy of the letter, dated 4-6-1994.
- Ext.-15. Copy of the letter, dated 29-3-1996.
- Ext.-16. Copy of the letter, dated 8-1-1996.
- Ext.-17. Copy of the letter, dated 18-7-1996 of the Manager (Administration).
- Ext.-18. Copy of the letter, dated 17-7-1998.
- Ext.-19. Copy of the letter dated Nil.
- Ext.-20. Copy of the letter dated Nil

Ext.-21. Copy of Postal acknowledgement.

Ext.-22. Copy of the letter, dated 3-3-2000.

Ext.-23. Copy of the letter, dated 15-2-1999 to the R.L.C. (Central), Bhubaneswar.

Ext.-24. Copy of the letter dated 29-2-2000 addressed to the R.L.C. (C) BBSR.

Ext.-25. Copy of the letter No. 1576/OMC/RG/96, dated 2-8-1996 of Sr. Manager, Rayagada to the Manager (Admin.). O.M.C., Bhubaneswar.

Ext.-26. Copy of the letter No. 15838/OMC/P & A/97 dated 6-6-97 issued by the Head Office granting temporary status to the casual/adhoc/DRMP employees.

**List of Documents Exhibited on behalf of the 1st Party-
Management:**

- Ext.-A. Intimation given to the Management indicating home address with initial.
- Ext.-B. Office Order Memo No. 953(3)OMC/JO/90, dated 26-3-1990.
- Ext.-D. Letter dated 28-03-1992 extension c. period of appointment.
- Ext.-D/1. Letter, dated 24-01-1992.
- Ext.-D/2. Letter, dated 02-02-1992.
- Ext.-D/3. Letter, dated 01-12-1991.
- Ext.-D/4. Letter, dated 26-09-1991.
- Ext.-D/5. Letter, dated 19-08-1991.
- Ext.-D/6. Letter, dated 22-01-1991.
- Ext.-D/7. Letter, dated 04-12-1990.
- Ext.-D/8. Letter, dated Nil
- Ext.-D/9. Letter, dated Nil.
- Ext.-D/10. Letter, dated Nil.
- Ext.-D/11. Letter, dated Nil.
- Ext.-E. Challan, dated 31-10-1996.
- Ext.-E/1. Challan, dated 31-10-1996.
- Ext.-E/2. Challan, dated 22-10-1996.
- Ext.-E/3. Challan, dated 22-10-1996.
- Ext.-E/4. Challan, dated 15-10-1996.
- Ext.-E/5. Challan, dated 15-10-1996.
- Ext.-E/6. Challan, dated 08-10-1996.
- Ext.-E/7. Challan, dated 08-10-1996.
- Ext.-E/8. Challan, dated 23-09-1996.
- Ext.-E/9. Challan, dated 23-09-1996.
- Ext.-E/10. Challan, dated 14-09-1996.
- Ext.-E/11. Challan, dated 14-09-1996.
- Ext.-E/12. Challan, dated 06-09-1996.
- Ext.-E/13. Challan, dated 06-09-1996.

नई दिल्ली, 11 सितम्बर, 2003

AWARD

का० आ० 2852.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान कॉपर लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 5/2002) को प्रकाशित करती है, केन्द्रीय सरकार को 11-9-2003 को प्राप्त हुआ था।

[सं० एल-43012/17/2001-आई आर (विविध)]

बी०एम० डेविड, अवर सचिव

New Delhi, the 11th September, 2003

S.O. 2852.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Copper Ltd., and their workman, which was received by the Central Government on 11-09-2003.

[No. L-43012/17/2001-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT 5/2002

Reference No. L-43012/17/2001 IR(M)

Sh. Shiv Chand
S/o. Sh. Nancha Ram
R/o Village, Bagor
Via. Khetri Dt. Jhunjhunu,
Jhunjhunu.

.....Applicant

Versus

The Assistant General Manager (Pers)
Hindustan Copper Ltd.
Kolihan Copper Mines,
KCC, Dt. Jhunjhunu,
Jhunjhunu.

.....Non-applicant

PRESENT:

Presiding Officer : Sh. R.C. Sharma
For the applicant : The Workman himself
For the non-applicant : Sh. Subodh Shah
Date of award : 31-07-2003

The Central Government in exercise of its power conferred under Clause 'D' of Sub-section 1 and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (for short the Act) has referred the following industrial dispute for adjudication to his Tribunal, which runs as under :—

“Whether the action of the management of Hindustan Copper Ltd., KCC Dt. Jhunjhunu in terminating the services of workman Shri Shiv Chand, S/o Sh. Nancha Ram w.e.f. 30-9-97 was justified? If not, what relief the workman is entitled and from which date?”

2. The workman in his claim has stated that he was appointed by the non-applicant management as a miner on 23-1-80 who continued in service upto 5-2-86, but by the order dated 30-9-97 his service was terminated. He has alleged that the termination order was illegal and unjustified.

3. Resisting the claim, the non-applicant in his written statement admitting the appointment of the workman as miner in the non-applicant establishment, has averred that the workman was a habitual absentee who was served with the notice on various dates as indicated at para 2 of the written statement, but he did not turn upto his duties and, therefore, he was served with a chargesheet dated 19-12-96 and on completion of the enquiry as per the standing orders of the department, his service was terminated.

4. On hearing the issue of fairness of the domestic enquiry, vide order dated 30-1-2003 of his Tribunal, the domestic enquiry conducted against the workman was found to be bad and unfair.

5. The non-applicant was afforded an opportunity to adduce the evidence to prove the charge levelled against the workman. In evidence on behalf of the non-applicant, affidavits of the MW-1, Sh. Kurlaram, Personnel Officer and MW-2, Sh. J. K. Jain, Chief Manager have been filed. The workman has submitted his own affidavit. Workman has placed his letters Ex. W-1 to W-3. On behalf of the non-applicant, 9 documents have been submitted on the record.

6. I have heard both the parties and have carefully gone through the record.

7. The Id. representative for the non-applicant contends that the workman was a habitual absentee who remained on unauthorized absence from 13-2-96 to 19-12-96 and on previous occasions the warnings were given to him for his unauthorized absence and both the witnesses examined on behalf of the non-applicant Sh. Kurlaram and Sh. J. K. Jain have proved the fact of the unauthorized absence on the part of the workman. On the other hand, the workman, who has placed his case himself, submits that he did not remain absent and had intimated the office his inability to join the duty.

8. I have given my thoughtful consideration to the rival submissions made by both the parties.

9. The chargesheet dated 19-12-96 Ex. M-5 levels the charge of unauthorized absence of the workman from 13-2-96 to 19-12-96 and it further reads out that on 13-9-83, he was given a warning in this context and on 23-7-84 and 12-10-89 respectively, he was awarded with the punishment of censure for remaining absent. This chargesheet has been issued in accordance with the provisions contained under Section 39 (1) (iii) and 39 (2) (xv) of the standing orders governing the employees under the non-applicant establishment.

10. Section 39 (1) and 39 (1) (iii) are reproduced as below :—

“39 (1) : A workman may be fined up to two per cent of his wages in a month, warned or censured for any of the following acts and omissions; provided that fines can be imposed only on acts and omissions which have been approved by prescribed authority in pursuance of Section 8 of the Payment of Wages Act.”

“39 (1) (iii) : Habitual absence without leave or without sufficient cause or continuous absence for more than ten days without leave or without satisfactory cause.”

11. Section 39 (2) and 39 (2) (xv) are noticeable as under :—

“39 (2) : A workman may be suspended for a period not exceeding 4 days at a time, penalized by way of stoppage of increment, reduction to a lower stage in the time scale, demotion to a junior category or lower grade, compulsory retirement, removal or dismissal from service if he is guilty of misconduct. the following acts and omissions shall be treated as misconduct.”

“39 (2) (xv) : frequent repetition of any of the acts and omissions for which fine can be imposed under clause (1) above.”

12. MW-1, Sh. Kurda Ram, Personnel Officer, has proved the order Ex. M-4 to M-3 and has further stated that as per the attendance registers Ex. M-4, which relates to the months of February, 1996 to December, 1996; the workman remained absent in the relevant period. MW-2, J.K. Jain, Chief Manager, has also corroborated the facts as narrated by Sh. Kurda Ram.

13. Ex. M-1 is an order dated 13-9-83 by which the warning issued to the workman for remaining absent. Vide orders Ex. M-2 dated 5-7-84 and Ex. M-3 dated 12-10-89, the workman was given the punishment of censure. These facts could not be denied on the part of the workman. All these orders were issued to the workman and they bear the signature of the acknowledgement of the workman.

14. I have perused the attendance register Ex. M-4 which discloses that the workman was absent in the relevant period. Even the fact of the unauthorized leave is reflected in the letters Ex. W-1 to W-3 produced by the workman. Ex. W-1 and W-2 are letters written by the workman in his own handwriting which show that he is unable to join his duty as he has been implicated falsely in some conspiracy. Similar is the letter Ex. W-3 written by Smt. Dharma Devi, the wife of the workman and it is addressed to the Chairman of the Mahila Samaj Samiti which indicates that the workman is not attending his duty as a matter of the conspiracy devised against him. When the workman failed to join his duty, the establishment had issued a telegram Ex. M-6 on 19-8-96 whereby he was asked to resume his duty. It appears that the non-applicant establishment had tried to procure the attendance of the workman at its level, but he did not report on his duty.

15. As against this evidence, the workman has simply denied the fact of remaining absent from 13-2-96 to 19-12-96. But he could not be able to render any reasonable explanation of his unauthorized absence from duty. The letter Ex. W-1 to W-3 are vague and could not satisfactorily explain the grounds of his absence from the duty. The non-applicant has produced the concrete and substantial evidence to prove the charge levelled against the workman and has thus fulfilled the requirements under the provisions contained under Section 39 (1) (3) and 39 (2) (15) of the standing orders.

16. On the basis of the foregoing discussion, the reference is answered in the negative against the workman and it is adjudicated that the order of terminating the service of workman Sh. Shiv Chand w.e.f. 30-9-97 is justified. The award is passed in these terms accordingly.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2003

का० आ० 2853.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या सी जी आई टी 22/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-2003 को प्राप्त हुआ था।

[सं० एल-40012/392/99-आई आर (डीयू)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 12th September, 2003

S.O. 2853.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT 22/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers

in relation to the management of Telecom Deptt., and their workman, which was received by the Central Government on 12-09-2003.

[No. L-40012/392/99-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

Case No. CGIT-22/2001

Reference No. L-40012/392/99-IR(DU)

The General Secretary,
Railway Casual Labour Union,
Near Daga School,
Bikaner-334006.

.....Applicant Union

Versus

Sr. Divisional Engineer (Legal),
S/o. The Telecom District Manager,
Bikaner-334001.

.....Non-applicant

PRESENT:

Presiding Officer : Sh. R.C. Sharma
For the applicant Smt. Namita Parihar
For the non-applicant : Sh. Brahmanand Shandhu
Date of award : 30-07-2003

AWARD

1. The Central Government in exercise of its power conferred under Clause 'D' of Sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (herein after referred to as the Act) has referred the following industrial dispute for adjudication to this Tribunal, which runs as under :—

"Whether the action of the management of GMTD, Telecom Department, Bikaner in terminating the services of Shri Gopaldas Ohja w.e.f. 13-3-97 is legal and justified? If not, to what relief the workman is entitled?"

2. The workman in his statement of claim has averred that he was initially appointed as daily-rated casual labour on 17-6-93 by the Superintendent, Telegram Traffic, Bikaner Division to perform the duties of a peon, messenger, gardener, chawkidar and he also discharged the functions of cleaning the premises and filling the drinking water. He has further stated that he continuously worked from 17-6-93 to 13-3-97 for 8 hours per day, in whose favour the work performance certificate were issued by the Department and the post against which he had performed his duties was sanctioned one. But his service was terminated on 13-3-97 without giving him any notice or the retrenchment compensation. He has further stated that he had worked more than 240 days continuously in the calendar year

preceding to the date of his termination and the non-applicants have violated the provision under Section 25-F of the Act. As per his averments, after the time of termination of his service, new employee, viz., Sh. Bhikaram was employed by the non-applicant establishment and that the non-applicants have violated the provisions under Section 25-G and 25-H of the Act respectively. He has prayed that the termination of his service be set aside and he may be reinstated with back-wages and other consequential benefits.

3. Resisting the claim, the non-applicants in their written statement have stated that the workman was not appointed by the non-applicants, no appointment order was issued in his favour and that he was employed only as part-time casual labour (gardener), who was permitted by the higher authorities to be employed in such capacity and who worked only for 4 hours a day. However, they have stated that in the absence of the employees of the office, the workman was required to work in addition to his duties as gardener. It is further stated that the payment was made to the workman under the budget heard "ACG-17", that it was a temporary post which was sanctioned by the competent authority and the budget was obtained per year for the payment of the wages to the workman and the post was subsequently abolished by the competent authority. The non-applicants have denied that the workman had worked continuously from 17-6-93 to 13-3-97 and that he had worked over 240 days in a calendar year with the establishment.

4. In the rejoinder on behalf of the workman, the material facts as narrated in the claim have been reiterated.

5. On the pleadings of both the parties, the following points for determination were framed :—

- (i) Whether the workman was appointed on 17-6-1993 to the post of Daily Wager, sanctioned by the Central Government, in the office of the non-applicant no. 4 ? BOA
- (ii) Whether the workman has continuously worked on the said post from 17-6-1993 to 13-3-1997 ? BOA
- (iii) Whether the service of the workman have been terminated without giving him the legal notice ? BOA
- (iv) Whether after the termination of the services of workman, Sh. Bhikaram Swamy, a junior employee to him has been appointed by the non-applicants ? BOA
- (v) Whether the services of the workman have been terminated in violation of Sections 25-F, 24-G, 25-H and Rule 77 of the Industrial Development Act, 1947 ? BOA

- (vi) To what relief, if any, the workman is entitled for?

6. In the evidence, the affidavit of workman has been filed. On behalf of the non-applicants, counter-affidavit of Sh. Shakeel Ahmed, Sub-Divisional Engineer (Legal) has been submitted.

7. In the documentary evidence, on behalf of the workman as many as 7 documents have been exhibited on the record, whereas the non-applicants have chosen not to file any document on the record.

8. I have heard both the parties and have carefully gone through the record. The point-wise discussion follows as under :—

Points No. I, II, & III

9. Since all these points are covered by the provision under Section 25-F of the Act, which lays down that the service of a workman employed in any industry who has been in continuous service for not less than one year shall be retrenched by the employer until he has been given one month's notice in writing or he has been paid in lieu of such notice wages for the period of the notice, these are discussed together under this title.

10. The Id. representative for the workman contends that the workman was appointed as Gardener on daily wages who worked from 17-6-93 to 13-3-97 continuously and the work certificates (Ex. W-1) were issued by the Supervisor of the non-applicant establishment in his favour, who also distributed the official daks and entries thereof were entered into the peon book Ex. W-2 and the payment of wages was made to him through the slips Ex. W-3 to W-7. But as per the submission made by the Id. representative, the service of the workman was terminated without giving him the legal notice or the retrenchment compensation. The Id. representative stresses upon that in the preceding year to termination i.e. in the year 1996, the workman had continuously worked about 348 days. Therefore, the non-applicant management has acted in violation of Section 25-F of the Act.

11. Arguing contra, the Id. representative for the non-applicants submits that no appointment letter in writing was issued in favour of the workman, that he was employed on the post of Gardener who had to work only for 4 hours a day and this post of Gardener was abolished on 4-3-96. The Id. representative has further contended that the payment of wages was made to the workman on form no. ACG-17, which the workman has placed on the record and that he had not completed the continuous service of 240 days in a calendar year. He has raised this objection too that the workman has filed his claim after a lapse of about 15 years and on this account, his claim is liable to be rejected.

12. I have given my thoughtful consideration to the rival contentions.

13. Now, the question which crops up for determination is whether the termination of the workman tantamounts to the retrenchment as defined under Section 2 (oo) of the Act or it was a fixed term appointment falling under sub-clause (bb) of Section 2 of the Act.

14. The facts pertaining to the employment of the workman and the payment of wages on form no. ACG-17 to him are not disputed. The controversy is confined only to this extent that the workman has alleged that he had performed the duties of 4th Class as gardener, chawkidar, as well as filling the drinking water and distributing the official daks, whereas the stand adopted by the employer is that the workman was employed on contractual basis for the job of Gardener who worked only upto 4 hours a day. Admittedly, no order of appointment and order of termination in writing were issued to him. Similarly, no contract/agreement has also been submitted on behalf of the employer on the record. The non-applicants have only adduced the oral evidence on this point.

15. To substantiate the claim of the workman the Id. representative for the workman has placed her reliance on Ex. W-1, a bunch of work performance certificates pertaining to the year 1996 issued in favour of the workman by the non-applicant management, the copies of the peon book Ex. W-2 and the copies of the payment slips of wages which are on form no. ACG-17 and are issued by the Department. The workman Sh. Gopaldas in his affidavit has deposed all these material facts as pointed out in the statement of claim and he has stated in his cross-examination that he was required by the department to work as 4th Class, gardener, waterman messenger, watchman and has emphatically stated that he had worked for more than 240 days with the non-applicant management. In his cross-examination, he could not be shaken on these material facts. The testimony of the workman is further strengthened by the documentary evidence adduced on his behalf.

16. Ex. W-1, as pointed out earlier, is a bunch of the work performance certificates pertaining to the year 1996, which disclose that the workman had worked with the non-applicant management continuously for a period of about 348 days in the preceding calendar year i.e. in 1996 as gardener and waterman. Certificates further indicate that he had worked from 4 hours to even 9 hours a day in the Office. Apart these work performance certificates, the photostate copies of the peon book exhibited as W-2, which relate to the period from January, 1995 to March, 1995, too indicate that the workman had also worked as the messenger with the non-applicant management. The payment of wages made to him is proved by the wage slips Ex. W-3 to W-7, which have been admitted by the non-applicants. Thus, on the basis of the oral and documentary evidence adduced on behalf of the workman, these facts are fully established that he was employed by the non-applicant establishment on the post of the Gardener, who had even performed the other duties of the 4th Class and who had

worked over 240 days in the preceding calendar year to the year in which his service was terminated.

17. As against this evidence, there is simply denial on behalf of the non-applicants that no appointment letter was issued in favour of the workman, who was employed only on the contractual basis and who worked up to only for 4 hours a day. It has also been pointed out by the Id. representative for the non-applicants that the post of the Gardener was abolished vide order dated 4-3-1996 by the non-applicant establishment, but no such order has been placed on the record in support of this contention. The Id. representative for the non-applicants has also denied that the workman had worked for more than 240 days in a calendar year with the non-applicant establishment, but the genuineness of the work performance certificates issued by the management in favour of the workman could not be challenged on behalf of the non-applicants. Thus, the submissions advanced by the representative for the workman are fully supported by the documentary evidence adduced on behalf of the workman and are tenable.

18. The Id. representative for the non-applicants has also raised an objection that the claim has been filed after the lapse of 15 years. This submission has been opposed on behalf of the workman and the Id. representative for the workman has pointed out that after the termination of the service of the workman on 13-3-97, he had raised an industrial dispute before the Reconciliation Officer, who refused to refer the industrial dispute in the year 1999 and thereafter, the workman had to file a writ petition before the High Court in the year 2000, wherein the Hon'ble Court had issued a direction to the competent authority to refer this dispute before the Labour Court. In support of her contention, the Id. representative has drawn my attention towards the photostat copy of the order dated 23-10-2000 of the Hon'ble Rajasthan High Court which has been placed on the record, whereby the Hon'ble Court has issued such direction. Thus, on the basis of these facts, it is manifest that since the termination of the service of the workman on 13-3-97, he had raised the industrial dispute before the competent authority and aggrieved by his denial, he had preferred the writ petition before the Hon'ble High Court and as such, the contention raised on behalf of the non-applicants that the workman had filed this claim after the lapse of a period of 15 years, becomes no more tenable.

19. On the basis of the aforesaid discussion, it is concluded that the workman has been able to establish that he had been in continuous service for more than 240 days in the preceding calendar year of the termination of his service under the non-applicants establishment and the employer, without giving him one month's notice or retrenchment compensation, had terminated his service. Therefore, the case of the workman falls within the ambit of the provision of Section 25-F of the Act and these points are accordingly answered in favour of the workman.

POINT NO. IV

20. The Id. representative for the workman contends that after the termination of the service of the workman the non-applicant management has appointed a fresh hand, named as Bhikaram Swami without providing an opportunity to the workman. This factum has been opposed on behalf of the non-applicants, on both the sides the oral evidence has been adduced in this regard. In his cross-examination, the workman has stated that after terminating his service, Sh. Bhikaram has been recruited by the management, but he further admits that he had not filed any proof in this regard. This fact has been specifically denied by the MW-1, Sh. Shakeel Ahmed who has emphatically deposed in his cross-examination that at present no casual labour is working with the Department.

21. It appears on the scrutiny of the oral evidence adduced by both the parties on this point that no reliable and definite evidence could be produced on behalf of the workman to prove this fact that after the termination of his service, the management has recruited any fresh hand. Accordingly, this point is decided against the workman and in favour of the non-applicants.

POINT NO. V

22. Under the discussion on point no. III, it has been decided that the non-applicant establishment has terminated the service of the workman in violation of the provision under Section 25-F of the Act and this point has been answered in favour of the workman.

23. Id. representative for the workman does not press upon the issue under Section 25-G of the Act that at the time of terminating the service of the workman juniors to him were working with the non-applicant establishment. No evidence on this point has also been led by either parties.

24. The issue under Section 25-H of the Act has been discussed under point no. IV, which has been decided against the workman.

25. This point is accordingly disposed of in this manner.

POINT NO. VI

26. The Id. representative for the workman contends that the workman is entitled for his reinstatement in the service with back-wages. On the other hand, the Id. representative for the non-applicants has contended that the workman has been in the employment after the termination of his service and that he has admitted in his cross-examination that he bears his own household expenditure.

27. I have considered this aspect also.

28. In his affidavit, the workman at para 21 has stated that after termination of his service, he is unemployed. On this point, nothing has been stated in the affidavit of

MW-I. Sh. Shakeel Ahmed. I have carefully perused the cross-examination of the workman wherein I find that nowhere he has admitted this fact that he is in the employment and he is bearing his own household expenditure. Therefore, after scrutinizing the evidence, the fact of unemployment of the workman after the termination of his service remains unrebutted and under these circumstances, it is deemed proper to award back-wages to him.

RELIEF

29. On account of the foregoing point-wise discussion and clinching point no. III in favour of the workman the reference is answered in affirmative in favour of the workman and it is adjudicated that the action of the non-applicant management in terminating the service of the workman w.e.f. 13-3-97 is illegal and unjustified. It is further held that he is entitled for reinstatement in service with 50 per cent of back-wages and with continuity in service. The award is passed in these terms accordingly.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2003

का. आ. 2854.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय विद्यालय के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या सी जी आई टी 13/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-2003 को प्राप्त हुआ था।

[सं. एल-42012/189/99-आई. आर.(डी.यू.)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 12th September, 2003

S.O. 2854.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-13/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kendriya Vidyalaya and their workman, which was received by the Central Government on 12-09-2003.

[No.L-42012/189/99-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

Case No. CGIT 13/2002

Reference No. L-42012/189/99 IR(DU)

Sh. Satish Sharma,

S/o Sh. Govind Sharma,

R/o Munshi Bazar,
Near Jain Dharamshala,
Alwar

.....Applicant Union

Versus

1. The Principal,
Kendriya Vidyalaya, Itarna,
Alwar-301023.

2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
92, Gandhi Nagar Marg,
Bajaj Nagar, Jaipur

.....Non-applicant

PRESENT:

Presiding Officer :	Sh. R. C. Sharma
For the applicant	Workman himself.
For the non-applicants :	Sh. R.B. Meena
Date of award :	25-08-2003

AWARD

1. The Central Government in exercise of its power conferred under Clause 'D' of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) has referred the following industrial dispute for adjudication to his Tribunal, which runs as under :—

“Whether the demand of Sh. Satish Sharma, Typist-cum-Clerk from the management of Kendriya Vidyalaya, Etarna, Alwar for reinstatement with back wages is just and fair. If so, to what relief the workman is entitled?”

2. The workman Sh. Satish Sharma in his statement of claim has pleaded that he was appointed by the non-applicant management vide its order dated 18-11-86 to the post of the LDC for an indefinite period after duly selecting him for the said post and he worked with the non-applicant management till 30-4-87 without any interruption. But on 30-4-87 when he attended the office, he was told by the non-applicant no. 1 that his service had been terminated. He has assailed the termination order as illegal, unjustified and arbitrary and has stated that in violation of the principle of last come first go, this order has been issued. He has also averred that at the time of his termination, the junior employees to him, viz., Sh. Harikishan and Sh. Mahendra Kumar Vijay were working with the management. The workman has further stated that after his termination, fresh hands, viz., Sh. Harish Kumar Gupta and Sh. Indra Kumar have been recruited by the non-applicant management. The workman in the statement of claim has incorporated the pleas of unfair labour practice and victimisation adopted by the management towards him.

3. Aggrieved by his termination, the workman raised the industrial dispute before the Assistant Labour Commissioner, who subsequently submitted the failure report to the Central Government. The workman thereafter moved a civil writ petition before the Hon'ble High Court at Jaipur Bench, Jaipur which was rejected vide its order

dated 11-5-2001 and a DB special appeal was preferred by the workman against it, which was allowed by its order dated 3-5-2002 whereby a direction was issued to refer this dispute to the Industrial Tribunal.

4. The workman has prayed that his termination order may be declared illegal, unjustified and arbitrary and he may be reinstated in service with full back-wages and all other consequential benefits.

5. The non-applicants in their reply denying the allegations mentioned in the statement of claim, have pleaded that the dispute does not fall within the ambit of industry as defined under Section 2-J of the Act, that the workman was appointed for a fixed period vide order dated 28-11-86 on ad hoc basis up to 30-4-87 and on the expiry of the contract, it was not renewed and the term of appointment automatically came to an end. According to their averments, the case is covered by Section 2 (oo) (bb) of the Act, that Shri Harish Kumar Gupta was regularly appointed as LDC by the non-applicant management, who worked from 7-1-88 to 21-2-88 and thereafter Shri Indra Kumar was appointed on the regular post of the LDC after duly selecting him vide order dated 17-11-87 who is working with the management. The non-applicants have stated that Shri Harish Kumar Gupta was appointed as LDC after following the prescribed procedure for selection to the said post, who cannot be equated with the ad hoc posting of the workman. The non-applicants have denied the allegations of the unfair labour practice and victimisation as levelled by the workman and have pointed out that after an inordinate delay the workman has raised this industrial dispute which deserve to be dismissed.

6. In the rejoinder, the workman has reiterated the facts as pointed out in the statement of claim.

7. On the pleadings of both the parties, the following points for determination were framed :—

(i) Whether the applicant-workman was duly selected by the non-applicant management for the post of the LDC and was appointed by its order dated 28-11-86 for an indefinite period who continuously worked up to 30-4-87? BOA

(ii) Whether the termination of the service of the workman by the order of the non-applicant management dated 30-4-87 is unjust and illegal? BOA

(iii) Whether at the time of the termination the service of the workman, the junior employees to him were working with the non-applicant management who have been named at para 4 of the statement of claim? BOA

(iv) Whether after terminating the service of the workman, the new employees named at para 6 of the statement of claim have been recruited/appointed by the non-applicant management? BOA

(v) Whether the workman is entitled to be reinstated in the service with other consequential reliefs? BOA

(vi) Whether the present dispute is not covered by the provisions under Industrial Disputes Act, 1947? BONA

8. In the evidence, the workman has submitted his affidavit and on behalf of the non-applicants, the counter-affidavit of Shri R B Meena, Principal, has been placed on the record.

9. The workman has submitted 21 documents on the record, whereas the non-applicants have filed as many as 7 documents.

10. I have heard both the parties and have gone through the record. The point-wise discussion follows as under :—

Point No. I

11. The workman has pleaded the dispute himself who submits that he was duly selected to post of LDC by the non-applicant management, the names of the candidates were sponsored by the employment exchange and the candidates had gone through typing test, test and interview. He further submits that he joined on 20-11-86 but he was given the appointment order on 29-11-86 and he was appointed for an indefinite period on the regular post of the LDC, but in the appointment letter the period has been mentioned mala fide. Accordingly to his submission, the recruitment to the post of the LDC was made in accordance with Article 39 of the Education Code for Kendriya Vidyalaya Sangathan which only prescribes the mode of the regular recruitment and it does not contain any procedure for the ad hoc appointment on the post of the LDC. He further adds that the circular Ex. M/2 produced on behalf of the non-applicant management is not applicable to the recruitment of the LDCs and in this regard, circular Ex. W/4 is only applicable. It is also his submission that the termination order Ex. W/2 was not served upon him.

12. On behalf of the non-applicants, the non-applicant no. 1, the Principal of the institution has submitted that the appointment of the workman to the post of LDC was made for a stipulated period i.e. from 28-11-86 to 30-4-87 and after the expiry of this period, his appointment automatically stood cancelled.

13. I have reflected over the rival submission and scanned the record.

14. The question that arises for determination is whether on the facts and circumstances of the case, the termination of service of the workman is retrenchment in terms of Section 2 (oo) of the Act or whether Section 2 (oo) (bb) of the Act has any application in the case.

15. Undisputedly, the workman has worked with the non-applicant management from 28-11-86 to 30-4-87. Ex.

W/8, a joining report, at its foot contains the work performance certificate issued on behalf of the non-applicant management which says that the workman Shri Satish Sharma has served the Vidyalaya as an LDC on ad-hoc basis from 29-11-86 to 30-4-87. In the preliminary part of this document, in the joining report, the date for joining the duty is described as 28-11-86. It, therefore, follows that the workman had worked with the non-applicant management from 28-11-86 to 30-4-87.

16. The workman has advanced two-fold contentions, firstly, that he was regularly selected to the said post and, secondly, that he was appointed for an indefinite period. The stand adopted by the non-applicant management is that the workman was appointed on ad hoc basis for a stipulated period i.e. from 28-11-86 to 30-4-87 as per his appointment order Ex. W/1. The workman has assailed the stand on this ground that this order does not specifically contain the period Ex. W/1, the appointment order, is an admitted document by both the parties. Its first para reads that **"this ad hoc appointment will last till the regular incumbent joins or till 30th April... whichever is earlier."** The space between the expressions '30th April' and 'whichever' is lying blank. It is on account of this blank space, the workman has asserted that the appointment was not made for a specific period. The last para of the order speaks that **"the offer is of a purely ad hoc nature, which will not last in any case beyond 10-4-79."**

17. The non-applicant no.1 has assigned that on account of the typographical error, the year '1979' is written instead of the year '1987', whereas the workman has opposed this submission by stating that it was mala fide written to harm his case.

18. It is evident that in both the lines of the aforesaid order, the month "30th April" is respectively mentioned, but in the first paragraph of the order the year is missing and in the last paragraph, it is indicated as '1979' in place of 1987. The two prominent factors emerging out from the record suggest that it may be a typographical mistake. Firstly, the work performance report Ex. W/8 exhibits the stipulated year as '1987', and, secondly, the workman was admittedly appointed on 28th November, in the year 1986, which is much prior to the year of 1979. Thus, ex facie, it appears to be a typographical mistake. It also appears that the year in the first paragraph could not be mentioned inadvertently. Therefore, the submission made by the workman being devoid of force is not acceptable. Then the workman has laid much emphasis on the fact that he had to go through the prescribed test prior to the appointment, which is equally prescribed for the regular recruitment to the post. In this context, he has drawn my attention towards the circulars Ex. W/4 and Ex. W/5, the letter of the Principal, Kendriya Vidyalaya Central School, Itanagar (for short, KVCS) Ex. W/6, the letter of the Assistant Director, Employment Exchange, Ex. W/7 and the attendance register Ex. W/9. Countering this submission, the non-applicant no. 1 has urged that the procedure for recruitment on the ad hoc

basis was followed as per the instructions received from the higher authorities.

19. Circulars Ex. W/4 and W/5 deal with the prescribed procedure of the recruitment Ex. W/4 directs that the vacancies of the post of LDCs in the Vidyalayas shall be filled by the Assistant Commissioner of the Vidyalaya Management Committee to meet their individual requirements, which will be notified to the local employment exchange and in case it is unable to nominate suitable candidates, it would be asked to issue non-availability certificate and thereafter the vacancy may be filled up through open advertisement in local newspapers. The workman has asserted that for the recruitment to the post of the LDC, no procedure for ad hoc appointment is given in this circular and as such he was regularly selected for the said post. But circular does not specifically speaks for the recruitment of LDC on regular basis. It simply states the notification of the vacancies of the employment exchange or its advertisement in the local newspaper in the aforesaid circumstances.

20. The workman has also pointed out, clause 2 of circular Ex. W/5 and has contended that the ad hoc appointment can only be made against a leave vacancy of the teaching staff and by this circular, no separate procedure is prescribed for ad hoc appointment. But the opening paragraph of the circular supra reads **"where the Sangathan fails to fill up the regular vacancies during any academic year because of non-availability of candidates, the VMCs are authorised to make the ad hoc appointments."** Hence, the submission advanced by the workman is not acceptable. The workman has further invited my attention towards Ex. W/7, a letter written by the Assistant Director, Employment Exchange, Alwar to the Principal, KVCS which says that the candidates for the appointment to the post of LDC have been asked to appear before the concerned authority for interview on the given date. It is on this ground that the workman has argued that at part A to B "LDC", no expression of ad hoc appointment is applied to it. Admittedly, this letter dated 5-11-86 was issued in pursuance of the requisition made by the Principal, KVCS to the Employment Exchange, which has been marked as Ex. W/6. The subject of the letter says **"requisition to the post of the LDC, music teacher, Gr. D employees on ad hoc basis."** Hence, Ex. W/7, the letter of the Assistant Director, has to be construed in the light of the requisition Ex. W/6 which was forwarded for the recruitment on ad hoc basis. I, therefore, find myself unable to accept this submission advanced by the workman. The workman has also placed a photostat copy of the staff attendance register Ex. W/9, wherein his name ranks at serial no. 11. On this account, he has submitted that he was a regular staffer who has marked his presence in this attendance register maintained by the non-applicant management. As against it, the non-applicant have placed the copy of the attendance register of November, 86 wherein the workman's name

appears at serial no. 11 who is shown to have joined the duty on ad hoc basis on 29th November, 86. Therefore, Ex. W/9 has got no significance in view of the attendance register Ex. M/3 and it cannot be presumed on the basis of Ex. W/9, the attendance register, that he was regularly appointed to this said post.

21. The non-applicants, to prove the point, have relied upon approval letter Ex. M/1, permission letter Ex. M/2 and the letter of the official Assistant Commissioner Ex. M/4.

22. Ex. M/2 is a letter addressed by the Assistant Commissioner to the Principals of All Kendriya Vidyalaya in Jaipur region for filling up the posts on ad hoc basis and it clearly says that the permission to all the Principals to fill up the available vacancies of teaching and non-teaching posts except Yoga teacher on ad hoc basis in accordance with Article 39 of the Education Code is accorded. It reveals that this letter had authorised the concerned Principals to appoint the ministerial staff on ad-hoc basis after following the procedure laid down under Article 39 of the Education Code which is also applicable to the regular appointments on the post of the LDCs. This letter was written on 3-7-86. Thereafter, it is noticeable that on 5-11-86, letter Ex. W/6 was written to the Employment Officer by the non-applicant no. 1 to provide the list of the suitable candidates for their appointment on ad hoc basis to the post of LDC and others. On their selection, the approval of appointment on ad hoc basis was accorded by the Assistant Commissioner vide his letter dated 25-11-86 Ex. M/1 to the Principal-wherein the name of the workman ranks at serial no.2

23. On the basis of these facts, it is found that the workman was appointed to the post of the LDC on ad hoc basis and for a stipulated period.

24. The workman, in support of his submissions, has referred to the following decisions which are discussed as under:—

25. 2000 (87) FLR SC 727:— In this case, the workman was engaged on daily wages on purely temporary basis and in the appointment order it was mentioned that his service could be terminated at any time without giving notice to him. The Hon'ble Court, on these facts, has held that in the absence of fixed term in the order of appointment, the proviso to section 2 (00) (bb) of the Act is not applicable. But in the present dispute, the appointment of the workman was made for a stipulated period.

26. 1993 (3) WLC (Raj) 229:— In this case, the workman, in the first instance, was appointed on the post of Junior Instructor who continuously worked as the same appointed by the very same authority after renewing the orders with a purported break of service for a specific period. The Hon'ble Court, under these circumstances, has

followed the view propounded in 1987 LJC 1607 that Section 2 (00) (bb) cannot be extended to such cases where the job continues and the employees work is also satisfactory but periodical renewals are made to avoid the regular status to employees. Apparently, the facts of this case are not applicable to the case in hand.

27. 1996 (2) WLC (Raj) 562:— In this case, the workman was appointed as an LDC whose appointment was again extended by the employer. It was established that the workman had continuously worked for a period of 240 days and it was the undisputed position that the provision of section 25-H of the Act had not been complied with before terminating the service of the workman. Under these circumstances, his claim was allowed by the Hon'ble Court. As is evident, the present dispute does not fall within the ambit of Section 25-F of the Act.

28. Thus, the workman does not find any help from the afore-mentioned cases referred to by him in support of his submissions.

29. On the other hand, non-applicant no.1 in support of his contention, has placed reliance upon (2002) 5 SCC 654, wherein the Hon'ble Court has observed that when there exists a contract of service with the terms and conditions, then the case of disengagement/termination of the workman do not amount to retrenchment.

30. On facts, as noticed earlier, the contention urged by the non-applicant no.1 that the workman was appointed for a stipulated period on ad hoc basis, is fortified by the judicial pronouncement supra.

31. The workman has also pleaded that he was victimised by the former Principal Sh. Mahendra Singh by not fulfilling his demand of bribe worth Rs. 12,000/-. In support of his contents, he has placed on record Ex. W/10, a complaint filed by his father Sh. Govind Sharma before the Assistant Commissioner, Central School Organisation, Jaipur alleging the discrimination committed in appointment of the LDCs. I have carefully gone through this complaint and find that no such demand of bribe has been incorporated in this complaint. Similarly, the workman has also filed a copy of the complaint Ex. W/11 filed by one Sh. Sunder Lal wherein he has alleged that the Principal of this school had demanded Rs. 10,000 from him for the recruitment to the post of the LDC. But how this complaint is relevant, in this context, this could not be reasonably explained by the workman. On the perusal of the record, the plea of victimisation adopted by the workman is also not established.

32. To conclude the point, the workman could not be able to establish that he was regularly selected to the post of the LDC of an indefinite period, but the non-applicants have satisfied that the workman was appointed on ad hoc basis for a stipulated period. Under such circumstances, the termination of his service do not amount

to retrenchment and it falls within the ambit of Section 2 (oo) (bb) of the Act. Accordingly, this point is decided against the workman and in favour of the non-applicants.

Point No. III

33. After holding under point no. I that the present dispute does not fall within the definition of Section 2 (oo) of the Act and is covered by its exception under Section 2 (oo) (bb) of the Act and that the termination of the service of the workman does not tantamount to the retrenchment, it is not necessary to discuss the evidence adduced by the parties with regard to the issues no. III and IV, which relate to the provision under Section 25-G and 25-F of the Act respectively. However, since both the parties have led their evidence on both these points, I proceed to examine the evidence hereafter and decide these points respectively.

34. In the statement of claim, the applicant has averred that at the time of terminating his service, the junior employees to him, viz., Sh. Hari Kishan and Sh. Mahendra Kumar Vijay were working with the non-applicant management. But during the course of argument, he has disclosed the name of Ram Kishan Meena instead of Harikishan Meena. In support of his contention, he has filed Ex. W/16, the Common All-India Seniority List of LDCs up to 1998 and had pointed out that at serial no. 411, Sh. Mahendra Kumar Vijay is shown to have been appointed on 13-12-86, who was working at the time of termination of his service. This fact has been denied by the non-applicants and it has been submitted that the seniority list pertains only to those employees who were regularly selected. In this list, there is no mention of the workman's name, who has admitted this fact during the course of argument. No reliable evidence could be adduced to prove this point that both these persons were appointed on ad hoc basis who were retained at the time of his termination. Admittedly, the name of Sh. Mahendra Kumar Vijay does not find place in the seniority list. MW-1, Sh. RB Meena in his cross-examination has categorically denied that Sh. Ram Kishan Meena and Sh. Mahendra Kumar Vijay were working with the school at the time of terminating the service of the workman. Hence, I find that the workman has failed to prove this point and it is decided against him.

Point No. IV

35. The workman has pleaded that after his termination, Sh. Harish Kumar Gupta and Sh. Indra Kumar were appointed on the post of LDC and no opportunity was offered to him for the said appointment. This fact has been opposed on behalf of the non-applicants.

36. The workman in his statement of claim has pleaded that Harish Kumar Gupta and Indra Kumar were appointed subsequent to his termination. Sh. R.B. Meena,

in his affidavit at Para 7, has admitted this fact but has stated that Sh. Harish Kumar Gupta and Sh. Indra Kumar were regularly appointed to the post of LDC on 7-1-88 and 17-11-88 respectively. It is nowhere the case of the workman that similar to his ad hoc appointment, both these fresh hands were also appointed on ad hoc basis. As is evident, the workman was appointed on the contractual basis, whereas both these persons were irregularly selected to the post of the LDCs. Therefore, I find that the workman has not been able to prove this point which is decided against him.

Point No. VI

37. The non-applicant no. 1 has contended that Kendriya Vidyalaya, being the educational institution is not covered by the definition of the 'industry' as defined under Section 2(J) of the Act and in support of his contention, he has relied upon (1997) 4 SCC 257. In this case, it was considered whether 'Physical Research Laboratory' was an industry within the meaning of Section 2(J) of the Act and it was decided that the objective with which the research activity was undertaken by the institution was to obtain knowledge for the benefit of the Department of Space and its object was not to render services to others and, therefore, it was not treated to be an industry. Apparently, the facts of the referred case are distinct from the case in hand. Per contra, the workman in support of his submission that the Kendriya Vidyalaya is an industry has placed his reliance upon 1988 (2) JUSC 329 wherein the Hon'ble Apex Court has held that the educational institution has to be treated as industry. Therefore, in the light of the judicial pronouncement supra, it is held that the Kendriya Vidyalaya, Iterana is an industry within the meaning of Section 2(J) of the Act and this issue is decided against the non-applicants.

Point No. II & V

38. Both these Points pertain to the relief claimed by the workman. Under the discussion on point no. I, it has been decided that the termination of the service of the workman does not amount to retrenchment. Hence, the termination order dated 30-4-87 cannot be held to be unjust and illegal and the workman does not deserve to be reinstated in the service.

39. On a careful examination and appreciation of the verbal and documentary evidence led by both the parties on the record, the reference is answered in the negative and an award is passed to this effect that the demand of the workman Sh. Satish Sharma from the management of Kendriya Vidyalaya, Iterana, Alwar for reinstatement is not just and fair and his claim is rejected.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2003

का. आ. 2855.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंगुसरण में, केन्द्रीय सरकार में, रिचर्डसन एवं क्रुड्डास (1972) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/122 का 99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-09-2003 को प्राप्त हुआ था।

[सं. एल-42012/237/98-आई.आर. (डी.यू.)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 12th September, 2003

S. O. 2855.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/122 of 99) of the Central Government Industrial Tribunal-Labour Court, No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Richardson & Cruddas (1972) Ltd. and their workman, which was received by the Central Government on 12-09-2003.

[No. L-42012/237/98-IR(DU)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT:

S.N. Saundankar,
Presiding Officer

Reference No. CGIT-2/122 of 1999

Employers in relation to the Management of

M/s. Richardson & Cruddas (1972) Limited

The General Manager (IR),
M/s. Richardson & Cruddas (1972) Limited,
Byculla Iron Works,
Sir J.J. Road, Byculla,
Mumbai-400 008.

Versus

Their Workmen
The President,
Association of Engineering Workers,
252, Janta Colony,
Raminarayan Narkar Marg,
Ghatkopar (East),
Mumbai-400 077.

APPEARANCES:—

For the Employer : Mr. S.Z. Chowdhary,
AdvocateFor the Workmen : Ms. K.N. Samant,
Advocate

Mumbai, Dated 15th July, 2003.

AWARD

PART-I

The Government of India, Ministry of Labour by its Order No. L-42012/237/98/IR(DU) dated 6-5-1999 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. Richardson & Cruddas (1972) Ltd., Byculla Iron Works, Byculla, Mumbai-400 008 by terminating the services of Mr. Mohan D. Shingote, workman is legal and justified? If not, to what relief the workman is entitled?”

2. Workman Shri Shingote was working in the Company at Byculla Mumbai as Driver in the year 1985. Vide Claim Statement of (Exhibit-8) Union pleaded that workman who put many years as Driver then aged 45 years, though served the Company sincerely and efficiently he was given show cause notice on 29-11-1994 alleging that he abused and assaulted co-worker in the Company viz. Gautam Sawant on 26-11-1994 at 9.30 a.m. in the premises further alleging that he had so abused and assaulted him, for recovery of loan amount Rs. 7,000/-. It is contended that workman replied the said show cause notice on 7-12-1994 however dissatisfied with that, Company issued him chargesheet dated 10-12-1994 for the allegations levelled in the show cause notice and that domestic inquiry was initiated. It is the contention of Union that Inquiry Officer Shri Kulkarni was an advocate, an outsider and to engage him as Inquiry Officer was violative of the Standing Order which indicates the predetermined action on the part of the Company. It is contended that inquiry held against the workman was contrary to the principles of natural justice in as much as the Inquiry Officer did not guide the workman as to whether he wants to engage a defence counsel and that charges were not clear. The Presenting Officer was a high officer of the Company whereas workman was of lower cadre and therefore, there was imbalance in conducting the inquiry, proceedings of the inquiry was not properly recorded and that the Inquiry Officer was biased to the workman. It is pleaded that inquiry was held on two dates and that findings of the Inquiry Officer are not based on evidence and documents on record, and without application of mind consequently are perverse. It is averred that the

Company based on the findings of the enquiry which vitiates illegally terminated the workman w.e.f. 23-12-1995 consequently the same be set aside directing the Company to reinstate him with full back wages.

3. Management Company resisted the claim of Union by filing written statement (Exhibit-9) contending that a written complaint dated 26-11-1994 was received from the worker of the Company viz. Sawant and based on that a show cause notice was issued to workman dated 29-11-1994 which he replied on 7-12-1994 and consequently charge-sheet dated 10-12-1994 was issued to him. It is averred that the workman in the premises of the Company since threatened, abused and assaulted the co-worker in the Company, taking cognizance an inquiry into the charges as per the charge-sheet was initiated and that the workman during the inquiry himself confessed on 25-4-1995 and accordingly the Inquiry Officer submitted his report on 28-4-1995 and based on the report, since the workman committed misconduct under the Standing Orders clause 23, punishment of termination was imposed on him. It is averred that Inquiry Officer giving sufficient opportunity properly conducted the inquiry and that the findings are based on the documents and the evidence, therefore, not perverse consequently workman's claim be dismissed with costs.

4. By Rejoinder (Exhibit-10) Union reiterated the recitals in the Statement of Claim denying the averments in the Written Statement. On the basis of the pleadings issues were framed at Exhibit-11 and in the context of preliminary issues, workman Shingote filed affidavit in lieu of Examination-in-Chief (Exhibit-14) and closed oral evidence vide purshis (Exhibit-26). In rebuttal, Inquiry Officer Mr. Kulkarni filed affidavit (Exhibit-34).

5. Union filed written submissions (Exhibit-35) along with copies of rulings (Exhibit-36/37). On perusing the record, the written submissions of the union, I record my findings on the preliminary issues for the reasons mentioned below :

Issues	Findings
1. Whether the domestic inquiry conducted against the workman was against the Principles of Natural Justice ?	No.
2. Whether the findings of the Inquiry Officer are perverse?	No.

REASONS

6. Admittedly domestic inquiry was conducted against the workman Shingote in connection with the charge-sheet dated 10-12-1994. According to workman inquiry was held contrary to the principles of natural justice in as much as Inquiry Officer did not guide him on the manner of Inquiry and that the Inquiry Officer a practising advocate, was an outsider and that Presenting Officer was

a High Executive whereas workman was in-subordinate cadre, thereby there was imbalance in presenting the case and further pointed out that though he did not admit the charge, to favour the management, the Inquiry Officer, putting admission in his mouth, to find him guilty, recorded the findings which are perverse. In so far domestic inquiry is concerned, Their Lordships of the Apex Court in *Sur Enamel and Stamping Works V/s. Their Workmen* 1963 II LLJ SCC 367 ruled that inquiry cannot said to have been properly held unless :

- (1) the employee proceeded against has been informed clearly of the charges levelled against him;
- (2) the witnesses are examined-ordinarily in the presence of the employee in respect of the charges;
- (3) the employee is given a fair opportunity to cross examine the witnesses;
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter; and
- (5) the Inquiry Officer records his findings with reasons for the same in his report.

So far the Inquiry Officer not guided the workman in regard to nature of inquiry and the charges, workman in his cross-examination para 9 clearly admitted that he had followed the contents of the show cause notice and the charge-sheet which he replied therefore, hardly can be said that the workman did not understand the charges and that he was unaware on the inquiry proceedings. Workman disclosed that Inquiry Officer was an advocate, an outsider, therefore, the inquiry vitiates. Inquiry Officer Mr. Kulkarni was not in the employment of Company as such he was impartial. True it is, Mr. Kulkarni in his evidence admitted that he conducted inquiries of the workers of the Company. This does not mean that he was favouring the management. As practising advocate Mr. Kulkarni was well aware on the inquiry and the procedure to be followed. Nothing to show, how prejudice occasioned. Considering the entire evidence, I find no substance in the contention of workman that Inquiry Officer being an outsider, prejudice had caused to him. So far the contention of workman that inquiry vitiates as the presenting Officer was a high executive, whereas he was of low cadre thereby, there was imbalance in presentation of the case and conduct of the proceedings. It is in the evidence of Inquiry Officer Mr. Kulkarni that he had asked the workman as to whether he desires to engage a defence representative. It is not that workman was not given opportunity to engage defence representative. Under the circumstances, it does not lie in the mouth of workman that there was imbalance in conducting the inquiry on this count.

7. So far as domestic inquiry, no tailor made procedure is laid down and that it is to be seen in totality, whether any prejudice had caused to the workman. On perusal of the inquiry proceedings (Exhibit-12/13) it is seen there was complaint of co-worker Sawant on abusing and assaulting him in the canteen, the premises of Company, for demand of lent amount of Rs. 7,000/-. Workman admits that inquiry proceedings pg. 1-3 (Exhibit-13) bears his signature and that the proceedings contain the same which were read over to workman in which he admitted to be correct. Copy of this proceeding was admittedly received by the workman. This proceeding mentions that workman had abused in filthy language and had beaten Sawant on the scalp and stomach in the canteen of the Company on 26-11-1994 at 9.30 a.m. Inquiry Officer Mr. Kulkarni stated that since workman admitted the charge on 25-4-1995, there was no need to proceed with the inquiry, therefore, recording the finding to that effect, he sent the report to the Disciplinary Authority. Now it is the contention of workman that the said admission has been put in his mouth though he did not speak. In fact, workman before this Tribunal on 23-7-2001 during cross-examination para 10 admitted the contents as regards the incident. If that is so, the very allegation of workman loses credibility. Needless to say, after admission of the charge there is no propriety to proceed with the inquiry which would be an empty formality.

8. Workman admits that he had understood the charges, he cross-examined the management witness Mr. Sawant thereby he participated in the inquiry. On plain reading of the proceedings (Exhibit 12 & 13) show that the Inquiry Officer in the light of the admissions based on the evidence and the documents, recorded the findings on 28-4-1995.

9. The Learned Counsel Ms. Samant for the workman urged with force that principles of natural justice have not been followed, therefore, the inquiry vitiates. As stated above, no tailor made procedure is applicable to domestic inquiry, what is to be seen whether any prejudice had caused to the workman and that is to be looked at from the angle of justice or of natural justice. The objective of principles of natural justice is to ensure that justice is done. Justice means justice between both the parties. The interests of justice naturally demands that the guilty should be punished and that technicalities and irregularities which do not occasion failure of justice are not allowed to defeat the ends of justice. Principles of natural justice are but means to achieve the ends of justice. They cannot be perverted to achieve the very opposite end as observed by the Hon'ble Supreme Court in State Bank of Patiala V/s. S.K. Sharma reported in 1996 II CLR 29. In the case in hand, as urged by Ms. Samant principles of natural justice have been violated is to be found out on consideration as to whether the procedure adopted by the appropriate authority is in accordance with the law or not, whether the

delinquent knew the charges he was going to face, whether he has been given opportunity to state his case and whether the authority acted in good faith. On perusal of the inquiry proceedings and the evidence on record, it is seen workman had admitted on the charge and from this point of view, hardly can be said that inquiry vitiates and in that context his contention that findings are perverse, is also baseless because 'perversity' is that when findings are such which no reasonable person would have arrived at on the basis of material before him, as pointed out by the Hon'ble Apex Court in Central Bank of India V/s. Prakash Chand Jain 1969 ILLJ 877. Thus going through the evidence as a whole, it is apparent that the domestic inquiry conducted against the workman was as per the principles of natural justice and the findings are not perverse. Issues are therefore answered accordingly and hence the order :

ORDER

The domestic inquiry conducted against the workman was as per the principles of natural justice.

The findings of the Inquiry Officer are not perverse.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2003

का. आ. 2856.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. रिचर्डसन एवं क्रुड्डास (1972) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/121 ऑफ 99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-2003 को प्राप्त हुआ था।

[सं. एल-42012/238/98-आई.आर. (डी.यू.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 12th September, 2003

S. O. 2856.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/121 of 99) of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Richardson & Cruddas (1972) Ltd. and their workman, which was received by the Central Government on 12-9-2003.

[No. L-42012/238/98-IR(DU)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT:

S.N. SAUNDANKAR, Presiding Officer

Reference No. CGIT-2/121 of 1999**EMPLOYERS IN RELATION TO THE MANAGEMENT OF M/s. RICHARDSON & CRUDDAS (1972) LIMITED**

The General Manager (IR).
M/s. Richardson & Cruddas (1972) Limited.
Byculla Iron Works.
Sir J.J. Road, Byculla.
Mumbai-400 008.

Versus

Their Workmen.
The President
Association of Engineering Workers,
252, Janta Colony.
Ramnarayan Narkar Marg,
Ghatkopar (East).
Mumbai-400 077.

APPEARANCES:—

For the Employer : Mr. S.Z. Chowdhary,
Advocate
For the Workmen : Ms. K.N. Samant,
Advocate

Mumbai, Dated the 15th July, 2003.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/238/98/IR(DU) dated 26-4-1999 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of M/s. Richardson & Cruddas (1972) Ltd., Byculla Iron Works, Byculla, Mumbai-400008 in terminating the services of Mr. Ramsunder Yadav is legal and justified? If not, to what relief the workman is entitled?"

2. Workman Yadav was working in the Company on 15 tonnes Cranc in Bay-III. Vide Claim Statement (Exhibit-8) workman pleaded that though he put about 25 years sincerely, having unblemished record the Company issued him show cause notice dated 5-6-1986 alleging that on 4-6-1986 in first shift while working in Crane in Bay-III at about 2.00 p.m. refused to sling the job allotted to him by Shri Venkatachalam, which he replied on 7-6-86, however dissatisfied with the explanation Company issued him chargesheet on 16th June, 86 alleging his above said act was amounting to misconduct and domestic inquiry was initiated. According to workman domestic inquiry conducted against him was violative of principles of natural justice and that the findings recorded by the Inquiry Officer are perverse in as much as he was not given sufficient opportunity. Most of the questions put in the inquiry were rejected by the Inquiry Officer, charges levelled against

him were vague and not understandable. It is averred that based on the Inquiry Report, Company dismissed him w.e.f 11-5-1987 which punishment is shockingly disproportionate, consequently it is the contention of workman that setting aside the inquiry Company be directed to reinstate him with full back wages and consequential monetary benefits.

3. Management resisted the claim of workman by filing Written Statement (Exhibit-9) contending that the reference is not maintainable as on the same issue under reference the State Industrial Tribunal vide Award dated 12-1-1998 in Reference (IDA) No. 1064 of 1987 rejected the workman's claim which operates as Res-judicata. It is averred that since workman refused to do the work allotted to him by his superior amounts to grave misconduct for which chargesheet was issued to him and that the Inquiry Officer giving sufficient opportunity recorded the findings and that he was held guilty and based on that he was dismissed. Company denied that past record of the workman was unblemished and that inquiry was unfair. It is the contention of Company that by following due procedure inquiry was held therefore inquiry being fair and proper workman's claim being devoid of substance, be dismissed.

4. By Rejoinder (Exhibit-11) workman reiterated the recitals in the Statement of Claim denying the averments in the Written Statement contending that the Reference (IDA) No. 1064 of 1987 was not adjudicated on merits and that on the point of jurisdiction it was withdrawn with liberty to file afresh and therefore, the instant reference does not bar by principles of Res-judicata.

5. On the basis of pleadings issues were framed at Exhibit-13 and in the context of preliminary issues workman Yadav filed affidavit in lieu of Examination-in-Chief (Exhibit-14A) and closed oral evidence vide purshis (Exhibit-37). No oral evidence on behalf of the management was however led.

6. Workman filed written submissions (Exhibit-38). On perusing the record and the written submissions, I record my findings on the preliminary issues for the reasons stated below :

Issues	Findings
1. Whether the domestic inquiry conducted against the workman was against the principles of natural Justice?	No
2. Whether the findings of the Inquiry Officer are perverse?	No
2A. Whether the reference is maintainable as averred in Written Statement Ex. 9, pg. 2?	No

REASONS

7. The management Company in Written Statement (Exhibit-9/pg.2) averred that the point on termination of

the workman bearing Reference (IDA) No. 1064 of 1987 referred by the State Government was adjudicated by the Xth Labour Court, Mumbai and that on merits it was dismissed by the Award dated 12-1-1998 and that the same issue under this reference has been raised which operates as Res-judicata, therefore the reference is not maintainable. Vide Written Submissions (Exhibit-38) the Learned Counsel for the workman pointed out that the reference was not adjudicated on merits, therefore there is no bar to proceed with this reference and consequently it is maintainable. On perusing the documents filed with list (Exhibit-17) it is seen the point as regards the validity of domestic inquiry and the point as regards dismissal of workman vide Reference (IDA) No. 1064 of 1997 was raised and adjudicated by the Presiding Officer, Xth Labour Court, Mumbai on 12-1-1998 against the workman. It is not that the said decision was not on merits, therefore obviously this Tribunal cannot adjudicate the same issue. Workman in his cross-examination para 12 clearly admitted that he had raised the issue before the State Labour Court and that Court had given findings there-on however he has not challenged those findings before the higher Court therefore the earlier decision obviously operates as Res-judicata, consequently this reference is not maintainable. Issue No. 2A is therefore answered accordingly.

8. Assuming for a moment, the instant reference is maintainable and that on merits it is necessary to see as to whether the inquiry conducted against the workman was fair and the findings are perverse or not, will have to be looked in the light of the tests laid down by Their Lordships of the Apex Court in *Sur Enamel and Stamping Works V/s. Their Workmen* 1963 11 LLJ SCC 367 wherein it is ruled that inquiry cannot be said to have been properly held unless :

- (1) the employee proceeded against has been informed clearly of the charges levelled against him;
- (2) the witnesses are examined ordinarily in the presence of the employee in respect of the charges;
- (3) the employee is given a fair opportunity to cross examine the witnesses;
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter; and
- (5) the Inquiry Officer records his findings with reasons for the same in his report.

According to workman inquiry vitiates as the charges were vague and not understandable and that he was not given sufficient opportunity and that the proceedings were not properly recorded. So far charges are concerned, workman admits in his cross-examination para 11 that he was told the charges levelled against him.

He had admittedly replied those charges. Had charges vague and not understandable, workman who had represented through Defence Representative Mr. Rashiwdekar, would have objected to that, however that is wanting. On plain reading of the charges dated 16th June, 1986 in the light of the show cause notice dated 5-6-1986 pg. 63—65 (Exhibit-17) clearly mention on refusal of work and pushing Mr. Venkatachalam in his chair when he was getting up and trying to assault him thereby behaving indecently committing an act subversive of discipline or good behaviour in the premises of the establishment. It is seen from the inquiry proceedings (Exhibit-17) inquiry commenced on 21-6-1986 and ended on 13-1-1987. It is not that it was hurriedly done and during this span workman had chance to object on the charges, therefore considering the evidence from this point of view, I find no substance in the said contention of workman. So far opportunity is concerned, as stated above inquiry was concluded initially on 18-11-1986 however it is seen, again it was reopened on 22-12-1986 and thereby again opportunity was given to workman and his Defence Representative. On plain reading of the inquiry report it is apparent that most of the times workman and his Defence Representative remained absent. It is significant to note that workman in his cross-examination para 11 clearly pointed out that he participated in the inquiry since beginning. The Learned Counsel for the workman inviting attention to proceeding urged with force that the Inquiry Officer Mr. Kulkarni on 18-11-1986 vide proceedings pg. 42 made endorsement that the workman had no case which indicates, he had determined to find workman guilty, thereby he was prejudiced. It is seen workman had requested the Inquiry Officer to adjourn the inquiry as Defence Representative was not available and that the Inquiry Officer declined to adjourn saying the reason given by him was not justified and from that point of view it is seen, he has mentioned that he has no case to seek adjournment which does not reflect on the very merit of the case. Workman admittedly can read Hindi. His Defence Representative signed in English and the proceeding was in English. Had workman not represented by a Defence Representative, on the ground that he knows only Hindi and not English therefore he did not understand the proceedings would have carried force however proceedings clearly show that those were read over and explained in Hindi to workman thereby he had understood the proceedings and consequently signed it. Therefore the workman's contention that he was not given sufficient opportunity and that he did not understand the proceedings and therefore inquiry vitiates, has no relevance. Workman deposed that Inquiry Officer was biased to him however in cross-examination para-11 he clearly pointed out that he was not on strained terms with Inquiry Officer and that he was not even knowing him prior to the inquiry therefore he had no reason to be biased to the workman.

9. So far the findings according to the workman are perverse is concerned, 'perversity' is that when findings are such which no reasonable person would have arrived at on the basis of material before him as pointed out by the Hon'ble Apex Court in Central Bank of India V/s. Prakash Chand Jain 1969 I LLJ 877. The report dated 16-1-1987 clearly indicates with reasons Inquiry Officer arrived at the findings based on the evidence and documents on record, therefore cannot said to be perverse. Inquiry proceedings (Exhibit-17) if looked in the light of the tests laid down in Sur Enamel case, hardly can be said that inquiry vitates as it is violative of the principles of natural justice. The question whether principles of natural justice have been violated or not is to be found out on consideration as to whether the procedure adopted by the appropriate authority is in accordance with the law or not, whether the delinquent knew the charges he was going to face whether he has been given opportunity to state his case and whether the authority acted in good faith. On perusal of the inquiry proceedings it is apparent that workman was clearly informed of the charges levelled against him, witnesses were examined ordinarily in the presence of workman and his Defence Representative and that he was given fair opportunity. No tailor made procedure is applicable to the domestic inquiry. In domestic inquiry it is to be seen in totality whether any prejudice had caused to the workman and that is to be looked at from the angle of justice or of natural justice. The objective of Principles of Natural Justice is to ensure that justice is done. Justice means justice between both the parties. The interests of justice naturally demands that the guilty should be punished and that technicalities and irregularities which do not occasion failure of justice are not allowed to defeat the ends of justice. Principles of natural justice are but means to achieve the ends of justice. They cannot be perverted to achieve the very opposite end as observed by the Hon'ble Supreme Court in State Bank of Patiala V/s. S.K. Sharma reported in 1996 II CLR 29. Therefore, going through the evidence as a whole it is apparent that the domestic inquiry conducted against the workman was fair and proper and the findings are not perverse. Issues 2 & 3 are therefore answered accordingly and hence the order :

ORDER

The reference is not maintainable as the Award in Reference (IDA) No. 1064 of 1987 operates as Res-judicata

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2003

का. आ. 2857.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राष्ट्रीय कैमिकल्स एण्ड फर्टिलाइजर्स लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट

(संदर्भ संख्या सी.जी.आई.टी.-2/36 ऑफ 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-09-2003 को प्राप्त हुआ था।

[सं. एल-42011/63/99-आईआर (डी.यू.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 12th September, 2003

S. O. 2857.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/36 of 2002) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rashtriya Chemicals & Fertilizers Ltd. and their workman, which was received by the Central Government on 12-09-2003.

[No. L-42011/63/99-IR(DU)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

S. N. SAUNDANKAR, Presiding Officer

Reference No. CGIT-2/36 of 2002

EMPLOYERS IN RELATION TO THE MANAGEMENT OF RASHTRIYA CHEMICALS & FERTILIZERS LTD.

The Executive Director,
Rashtriya Chemicals & Fertilizers Ltd.
Priyadarshini Building, Sion,
Mumbai-400022

V/s

THEIR WORKMEN

The General Secretary,
RCF Employees' Union,
Tel Rasayan Bhavan,
Tilak Road, Dadar,
Mumbai-400011

APPEARANCES :—

For the Employer : Mr. R.S. Pai,
I/b M.S. Bodhanwalla & Co.,
Advocates

For the Workmen : Mr. A.S. Peerzada,
Advocate.

Mumbai, dated 11th August, 2003.

AWARD**PART-I**

The Government of India, Ministry of labour by its Order No. L- 42011/63/99-IR (DU) dated 17-04-2002 in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“ Whether the action of the management of Rashtriya Chemicals & Fertilizers Ltd. Trombay Unit, Mumbai by making five days to six days week and change in working hours is justified? If not, what relief the workmen are entitled to?”

2. The Rashtriya Chemical Fertilizers Employees Union, Mumbai vide Claim Statement (Exhibit-8) averred that the Management Company Rashtriya Chemicals & Fertilizers Ltd. (herein after referred to as 'Company') is a Government of India Undertaking engaged in the business of manufacturing fertilizers and allied items. It is pleaded that the Company and the Union signed a Memorandum of Settlement whereby the parties agreed to introduce five days week working i.e. 42 hours per week per worker w.e.f 1-3-1987 and that under the said Settlement it was also agreed that the man power would be reduce in each shift in each plant by 12.5%. It is contended that the Clause 18 of the said agreement provides that the scheme would be effective from 1-3-1987 onwards and will remain in force for a period of three years there from subject to Clause (1) and it will continue thereafter unless the settlement is terminated by two months notice as required under Section 9-A of the Industrial Disputes Act and till the same is replaced by another scheme. Consequently it is pleaded Company issued notice of change from five days to six days system w.e. f 25-8-1998 as in the light of working of five days week system over years, contending that the availing of effective functional days in a year has been reduced substantially and that the basic objective of introducing of five days week working were not achieved. It is the contention of Union that in fact the introduction of five days week would help the workers to fulfil their family and social obligations without resorting to leave and therefore, the same needs to be continued but in vain. The Union therefore approached the R.L.C (C) who in turn tried conciliation but failed, therefore, the instant reference as per the directions of the Hon'ble Bombay High Court dated 28-6-2001 in Writ Petition No. 615 of 2000.

3. Management Company resisted the claim of Union by filing Written Statement (Exhibit-11) contending that the reference is not maintainable as the Appropriate Government under the provisions of Industrial Disputes Act in respect of the Company is the State Government and not the Central Government. It is pleaded that as per the decision in Steel Authority of India and Ors. V/s

National Union Water Front Workers & Ors, 2001 III CLR 349 “Appropriate Government” in respect of the Government Company owned by Central Government under section 2 (a) of the Industrial Disputes Act would be the State Government. It is further contended that the union had filed a Complaint (ULP) bearing No. 590/01 before the Industrial Court at Mumbai under the Provisions of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as MRTU & PULP Act, 1971) for the identical reliefs and on this count also the reference is not maintainable. It is contended on merits, the availing of effective functional days in a year has been reduced substantially and that availability of different types of leaves like Earned Leave, Half Pay Leave, Extra Ordinary Leave, Study Leave etc, cumulatively have reduced the availability of effective working days and that the basic objective of introducing of five days week were not achieved and therefore, introduction of six days week from five days, thereby change in the working hours is fully justified and in this context, the Union's claim be dismissed being devoid of substance.

4. On the basis of pleadings issues were framed at exhibit-14 and that in the context of preliminary issues Personnel Manager of the Company Mr. Kubal filed affidavit in lieu of Examination-in Chief (Exhibit-18) and Company closed oral evidence vide purshis (Exhibit-19) Union however in so far as preliminary issues did not lead oral evidence vide purshis (Exhibit-20).

5. On perusing the record and hearing the Learned Counsel for both sides, I record my findings on the preliminary issues for the reasons mentioned below :

Issues	Findings
1. Whether the Management proves that appropriate Government in respect of Rashtriya Chemicals & Fertilizers is the State Government under Section 2 (a) of the Industrial Disputes-Act and therefore, reference is not maintainable?	No Reference is maintainable
1A Whether the reference is barred under Section 59 of the MRTU& PULP Act and in view of Union filing Complaint bearing No. 590 of 2001 in the State Industrial Tribunal, Mumbai and obtaining relief there under ?	No.

REASONS

6. At the outset the Learned Counsel Mr. Pai for the Management Company inviting attention to the application (Exhibit-9 & 16) relying on the decision of Steel Authority of India urged with force that the Company is a Government Company and that majority of its share capital

is owned by, Government of India and as held by the Hon'ble Supreme Court the appropriate Government in respect of the Government Company owned by the Central Government would be the State Government under Section 2(a) of the Industrial Disputes Act the reference is not maintainable before the CGIT. He submitted that Union had filed a Complaint (ULP) bearing No. 590/01 before the State Industrial Court. Mumbai under the MRTU & PULP Act for identical reliefs and on this ground also instant reference is not maintainable. On the other hand the learned Counsel Mr. Peerzada submits that in respect of the Contract Labour Regulation Act the Hon'ble Apex Court in the case of Steel Authority of India on 30th August, 2001 came to the conclusion that the Appropriate Government would be the Government which exercise control and authority over the concerned Organisation. He submits in the case in hand the Company is an Undertaking of the Central Government and it is the Central Government which exercises full control over the same and therefore, the Central Government is the Appropriate Government. He has relied on the decision of Hon'ble Supreme Court dated 8-7-02 in the case Hindustan Aeronautics Ltd. & Anr. V/s. Hindustan Aeronautics Canteen Karmachari Sangh & Ors. in Civil Appeal No. 3659 of 2002. He submits that the complaint filed in the State Tribunal referred to above, was withdrawn by the Union and therefore, nothing remained for the State Industrial Court to decide consequently he submits instant reference is maintainable and this Tribunal has jurisdiction in width to entertain and adjudicate the same.

7. Admittedly Management Company is Government of India Undertaking and that the Central Government exercises full control over the same. Their lordships of the Supreme Court in the case of Hindustan Aeronautics Limited ruled for Hindustan Aeronautics Company the Central Government is the Appropriate Government. The Company under reference is an undertaking of the Central Government and it is the Central Government which exercise full control over the same therefore, the said ratio is applicable and relying on the said decision, it is apparent that the Central Government is the Appropriate Government for the Company under Section 2(a) of the Industrial Disputes Act.

8. So far filing of Complaint by the union u/s. 59 of the MRTU&PULP Act in the State Industrial Court, and on that count, the reference is not maintainable. it is pertinent to note that the Personnel Officer of the Company Mr. Kubal in his cross-examination clearly admitted that the said Complaint was withdrawn by the Union thereby nothing remained for determination by the said Court, consequently the submission of Mr. Pai that on both the counts referred to above, reference is not maintainable is devoid of substance. It is thus apparent that Central Government is the Appropriate Government for the

Company under Section 2(a) of the Industrial Disputes Act and consequently reference is maintainable. Issue are answered accordingly and hence the order.

ORDER

Reference is maintainable.

Parties to lead evidence to adjudicate the reference within stipulated period till 18-9-2003 as per the directions of the Hon'ble High Court in Writ Petition No. 615 of 2000.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2003

का. आ. 2858.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सहारा एयरलाइंस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार लेबर कोर्ट, एर्नाकुलम के पंचाट (संदर्भ संख्या 18/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-09-2003 को प्राप्त हुआ था।

[सं. एल-11012/41/02-आई.आर. (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 13th September, 2003

S. O. 2858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ret. No. 18/2002), of the Central Government Labor Court Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sahara Airlines and their workman, which was received by the Central Government on 12-09-2003.

[No. L-11012/41/2002-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

IN THE LABOUR COURT, ERNAKULAM

(Wednesday, the 23rd day of July, 2003)

PRESENT:

SMT. N. THULASI BAI, B.A. LL.B., Presiding Officer

Industrial Dispute No. 18/2002 (Central)

BETWEEN:

The Deputy Managing Worker (Comm), Sahara Airlines, 7th floor, Ambadeep, 14th Kasturba Gandhi Marg, New Delhi.

AND

The workman of the above concern Sri Philips C. Abraham. Milakilethu House. Fort. Mavelikkara. P.O. Kerala.

Representation :

Sri K. K. M. Sheriff.
M/s. Sheriff Associates.
Kochi-11

..... For Management

AWARD

This reference was made by the Central Government as per Order No. L-11012/41/2002-1R (C-1) dated 7-10-2002. The dispute is between the management of Sahara Airlines and their workman Sri Philips C. Abraham. The dispute referred is :

"Whether the action of the management of Sahara Airlines in terminating the services of Sri Philip C. Abraham, Aircraft Maintenance Engineer (Electrical) w.e.f. 7-12-2002 is fair, legal and justified. If not, to what relief is the concerned workman entitled?"

2. On receipt of notices issued from this court the workman appeared in person and the management appeared through counsel

3. The workman filed a claim statement raising the following claims:— The workman joined in the management establishment at Delhi as Air Craft Maintenance Engineer (Electrical) as per order dated 11-9-98. He was confirmed and was granted enhancement of his salary by Rs. 1000/- per month w.e.f. 1-2-2000 and a further enhancement of Rs. 500/- per month w.e.f. 1-9-2000 considering the devoted work and efficiency of the workman. While so his service was terminated illegally, abruptly and without affording any opportunity of being heard as per order dated 7-12-2000. There is no fixed age of superannuation for the Air Craft Maintenance Engineers in the management establishment. There are so many air craft engineers in the age group of 60 to 79 who are more aged and weaker than the workman still continuing in the management establishment. Name, designation and date of birth of 18 such Air Craft Maintenance Engineers are stated in the claim statement. The workman was doing electrical maintenance work of air craft by using various tools under the supervision and control of higher officials and technical experts. So even though the gross salary of the workman was Rs. 37500/- per month he will come within the definition of workman under the Industrial Disputes Act. After effecting termination of service of the workman the Deputy Director of the management establishment mislead the workman by promising re-employment and obtained a resignation letter dated 13-12-2000. The above resignation letter is void-abinitio since it was fraudulently obtained and he was already terminated from service. Thus, the

above act of the management amounts to unfair labour practice. Current working experience of minimum 6 month in every 2 years is mandatory or the renewal of the Air Craft Maintenance Engineer license of the workman thereby the termination would destroy his career. So the workman prays for his reinstatement with full back wages and continuity in service.

4. Management filed a written statement raising the following contentions :— The petition is not maintainable and is liable to be rejected since the petitioner is guilty of suppressio-veri as the petitioner has failed to disclose the material facts before this court and has not approached this court with clean hands. The petitioner has electrical system license to cover Boeing 737-200 only. Since the 737-200 aircraft has been grounded permanently in the month of December 2000, the management had no Airworthy or serviceable B-737-200 aircraft. Thereafter the petitioner was sent for training to cover electrical system of B-737-400 aircraft but his performance was very poor and he failed to complete the training successfully. So his service could not be utilised by the management. Though he was given a chance to do some job on B-737-400, 737-700, 737-800. He refused to do the same as he was not qualified. The management has no office at Ernakulam and no correspondance has been done from Ernakulam thereby there was no cause of action in favour of the petitioner at Ernakulam. So this court has no jurisdiction to entertain this petition. Further the issue involved in the present case is not an industrial dispute as per the provisions of the Industrial Disputes Act. The allegation raised by the workman against the termination is not sustainable as he had no allegation against the management till his resignation letter dated 13-12-2000. The alleged enhancement in salary were not in token of any efficiency of the petitioner but it was granted considering the license possessed by him and also as part of increment given to all in general. In the appointment letter itself it was made clear that the service of the petitioner is liable to be terminated at any time without any notice and without assigning any reason during training/probation and after confirmation the services will be terminable by giving one month's notice or one month's pay in lieu thereof. It was made clear that the management shall be the sole Judge for evaluating the performance of the petitioner and he shall not be entitled to question its judgment. The Deputy Director of the management never mislead the petitioner by promising re-employment in getting the resignation letter. So the management had not done any act which amounts to unfair labour practice. So the management prays for dismissal of the petition with cost.

5. The workman filed a rejoinder reiterating the claims raised in the claim statement and traversing the contentions raised in the written statement. It is further explained that this court gets jurisdiction as per the reference made by the Central Government thereby it cannot be challenged

by the management. Moreover as the dispute between the workman and management is an industrial dispute as contemplated in Section 2 K of the Industrial Disputes Act there is no question of territorial jurisdiction. The management has no locus standi to challenge the reference order before this court. It is further explained that the workman squarely comes within the definition of the workman under the Industrial Disputes Act thereby according to the petitioner the reference is perfectly maintainable. So the workman reiterates his claim for passing an award allowing his reinstatement with back wages and continuity in service.

6. The workman and one witness for the management on the strength of Ext. M1 Power of Attorney filed proof affidavit as evidence. Both witnesses were cross-examined and Exts. W1 series and W2 to 7 were marked from the workman's side.

7. Thus the points arise for determination are:—

1. Whether the reference is maintainable?
2. Whether the termination of service of Sri Philip C. Abraham w.e.f. 7-12-2000 is fair, legal and justifiable?
3. The relief if any due to the workman?

8. Point No. 1: As referred at the outset the reference was made by the Central Government as per order dated 7-10-2002 directing this court to adjudicate the dispute between the workman and management in respect of the issue referred in the schedule. Admittedly Sri Philip C. Abraham, the employee involved in the present case was an Aircraft Maintenance Engineer (Electrical) under the management and he was getting a total salary of Rs. 37500/- with a basic pay of Rs. 4000/- at the time of his termination. So according to the management Sri Philip C. Abraham, the employee under the present reference is not a workman coming under the purview of Section 2 (s) of the Industrial Disputes Act. But it is made clear in the claim statement filed by the employee that though his monthly salary was Rs. 37500/- he was actually doing electrical maintenance works of air crafts of the management by using various tools under the supervision and control of higher officials and technical experts and he had to work in specific shift duties as per the instructions of his superior officials thereby he is a workman as defined in the Industrial Disputes Act. As reply to the above claim it is contended in the written statement that the job of the employee was mostly supervisory in nature and sometime he had to do supervisory in nature and sometime he had to do and perform some technical job which was incidental to the supervisory work. In the rejoinder filed by the employee also it was explained that the employee is a workman as defined in Section 2 (s) of the Industrial Disputes Act that he was not employed in a supervisory capacity and he had been manually working with the hand tools on the aircraft during his service under the management and the provisions contained in the Industrial Disputes Act does not exclude

the aircraft maintenance engineer from the purview of the definition of workman. In the proof affidavit filed by the workman in lieu of chief examination also it is explained that he was doing manual work with hand tools on the aircraft and he was not employed in a supervisory capacity thereby he is a workman as defined in Section 2 (s) of the Industrial Disputes Act. Though in the proof affidavit filed by the management the hierarchy of the petitioner's category is explained there was no such explanation in the written statement. The management witness examined as MW1 joined at New Delhi branch of the management establishment in February, 2003 and so he has no direct knowledge about the nature of work undertaken by the employee during his tenure of office. Since he is working in the administrative side he was not able to depose exactly the categories of aircraft maintenance engineers. Thus, considering the clear pleadings and evidence by the employee and in the absence of any documentary evidence to prove that the employee was discharging supervisory duties under the management it can be found that the employee was not working in a supervisory capacity under the management but he was attending maintenance work as per the directions of the officials of the management thereby he is a workman coming under the purview of Section 2 (s) of the Industrial Disputes Act.

9. Another contention raised by the management regarding the maintainability of the reference is the absence of territorial jurisdiction for this court. This court gets jurisdiction to adjudicate the issue on the basis of reference made by the Central Government by invoking the relevant provision in Section 10 of the Industrial Disputes Act. The present reference is made by the Central Government to this court by invoking clause D of Sub-section 1 and Sub-section 2A of Section 10 of the Industrial Disputes Act. It is made clear in the rejoinder filed by the workman that he made a request to the Government to make a reference to this court and considering his request the reference was made. The I.D. being a benevolent enactment to help the weaker section, that is the workman, their convenience is most relevant while making a reference. As the Central Government has made reference to this court, this court gets jurisdiction to adjudicate the matter thereby the contention of the management that this court lacks territorial jurisdiction to entertain the dispute is not sustainable. So the maintainability reference is not affected on the ground of lack of jurisdiction as contended by the management.

10. Another contention raised by the management regarding the maintainability of the reference is that the issue involved in the present case is not an industrial dispute as per the provision of the Industrial Disputes Act. It is explained in the argument notes filed by the management that the provisions of the Industrial Disputes Act can be invoked only in cases where the workman is dismissed, discharged or retrenched and in the present case as the petitioner had submitted Ext. W7 resignation

letter he will not come within the ambit of the Industrial Disputes Act. While considering the above argument the first aspect to be referred is that there is no specific contention in the above regard in the written statement filed by the management. Further the dispute referred is the legality of the action of the management in terminating the service of the workman w.e.f. 7-12-2000. The management has no case that the legality of the termination need not be considered since the workman had resigned from service and thereby there was actually no termination. But it is evident from the nature of contention raised in the written statement that the management upholds the termination on various aspects. So the workman clearly comes within the purview of dismissed workman so as to entertain an industrial dispute and the legality of the reference is not affected on that ground. Thus it is clear that none of contentions raised by the management regarding the maintainability of the reference will sustain thereby it can be found that the reference is maintainable. Point answered accordingly.

11. Point Nos 2 and 3 :— Admittedly the workman was appointed as aircraft Maintenance Engineer (Electrical) on 11-9-1998 as per Ext. W2. He was on training/probation for 12 months on a consolidated salary of Rs. 36000/- and on completion of probation he was confirmed under the management. He was given enhancement of salary by Rs. 1000/- per month w.e.f. 1-2-2000 as per Ext. W3 and a further enhancement of Rs. 500/- per month was given as special increment w.e.f. 1-9-2000 as per Ext. W3 (a). Ext. W4 salary slip for the month of November 2000 shown that he was getting a monthly emoluments of Rs. 37500/- and Ext. W5 shows that his monthly emoluments during June 2000 was 37000/-. While so his service was terminated with immediate effect as per Ext. W6 dated 7-12-2000. The reason stated for termination as per Ext. W6 in his inability to undertake the required amount of work load due to his physical condition on account of advanced age. As a token of appreciation of his dedicated service towards the organisation management has decided to grant one month's salary in addition to the settlement of dues as per Rules. It is true that after the issuance of Ext. W6 the workman tendered resignation as per Ext. W7 dated 13-12-2000. It is the case of the workman that the Deputy Director (worker) of the management establishment had mislead the workman by promising re-employment and obtained the above resignation letter thereby it is void-abinito. It is evident from Ext. W7 that the resignation is being tendered as desired by the Deputy Director (worker) of the management establishment. Since the management has already issued Ext. W6, termination letter and as the reference is for considering the validity and legality of Ext. W6. Ext. W7 has no much bearing in the present dispute and the question to be looked into is that whether termination of the workman as per Ext. W6 is legal and proper.

12. It is seen stated in Ext. W6 that the management has decided to relieve the worker from service with immediate effect on the ground that he is unable to undertake the required amount of work load due to his physical condition on account of his advanced age. As a token of appreciation of this dedicated service towards the organisation management has decided to grant one month's salary in addition to the settlement of dues as per Rules. According to management Ext. W6 is in accordance with Ext. W2 appointment letter. It is referred in the written statement that as per clause 3 of Ext. W2 the termination is legal and proper. Clause 3 of Ext. W2 states that the services of the workman are liable to be terminated at any time without any notice without assigning any reason during training/probation. Admittedly the workman has completed training/probation for 12 months and he was confirmed thereafter. As per clause 3 of Ext. W2 after confirmation, the services will be terminable by giving one month's notice or one month's pay in lieu thereof either way. Thus as per Ext. W2 one month's notice or one month's pay in lieu of notice is a condition precedent for termination of the workman. In the present case the above provision has not been complied with is evident from as Ext. W6. What is stated in Ext. W6 is that the management has decided to relieve him from service with immediate effect. Though one month's additional salary was offered it was not in lieu of one month's notice but it was as a token of appreciation of his dedicated service towards the organisation. thus considering Exts. W2 and W6, which are admitted by the management, it can be safely concluded that the termination of the workman from service w.e.f. 7-12-2000 as per Ext. W6 is not legal and justifiable thereby he has to be deemed in service till he is validly terminated by complying the legal formalities as envisaged in the Industrial Disputes Act. For that purpose he can be either reinstated with full backwages and allowed to continue in service till he is legally terminated or other wise he can be deemed to be in service till he is legally terminated. Points are answered accordingly.

In the result, an award is passed finding that the action of the management of Sahara Airlines in terminating the services of Sri. Philip C. Abraham, the Aircraft Maintenance Engineer (Electrical) w.e.f. 7-12-2000 is unfair, illegal and unjustifiable and the workman has to be deemed to be in service till he is legally terminated in accordance with the provisions of the Industrial Disputes Act thereby he is entitled to get all benefits from the date of illegal termination, that is 7-12-2000 to the date till he is legally terminated and for that purpose either he can be reinstated with full back wages and allowed to continue till legally terminated or can be terminated by complying the legal formalities and till that date he has to be deemed to be continued in service.

This award will take effect one month after its publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 23rd day of July, 2003.

Ernakulam.

N. THULASI BAI, Presiding Officer

APPENDIX

Witness examined on the side of the Management :

MW1 — Sri. A. Hameed.

Witness examined on the side of workman :

WW 1 — Sri. Phillip C. Abraham.

Exhibites marked on the side of the Management :

Ext. M 1 — Photo copy of Power of Attorney.

Ext. M 2 — Photo copy of personal details of Philip C. Abraham.

Exhibites marked on the side of workman :

Ext. W1(series)—Photo copy of FAAA and P License, USA.

Ext. W1 (a)— Photo copy of certificate letter dated 11-12-1997 from DGCA, Government of India.

Ext. W1 (b)— Photo copy on Instructor approval certificate, CAA, Bangaledash.

Ext. W1 (c)— Copy of experience certificate from Nehru College of Aeronautics and Applied Science, Coimbatore.

Ext. W1 (d)— Photo copy of certificate of Project Manager MDZ/78/808 of Maputo, Mozambiqua dated 15-1-1982.

Ext. W1 (e)— Photo copy of Bachelor of Pro-Agro-Degree-U.S.A.

Ext. W1 (f)— Photo copy of Associate of Science aircraft maintainence degree, U. S. A.

Ext. W1 (g)— photo copy on instruction of Engineers (India) certificate.

Ext. W1 (h)— Photo copy of CAA, U. K. AME Licence.

Ext. W2 — Appointment letter issued by the Management to the workman.

Ext. W3 — The communication sent by the Management to the workman.

Ext. W4 — Photo copy of salary slip for the month of November 2000.

Ext. W5 — Photo copy of salary slip for the month of June 2000.

Ext. W6 — Photo copy of termination letter dated 7-12-2002.

Ext. W7 — True photo copy of Resignation letter dated 13-12-2000.

नई दिल्ली, 22 सितम्बर, 2003

का०आ० 2859.—केंद्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि प्रतिभूति मुद्रणालय, हैदराबाद में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 12 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस.- 11017/8/97-आई.आर. (पी. एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 22nd September, 2003

S.O. 2859 .—Whereas the Central Government is satisfied that the public interest required that the services in the Security Printing Press, Hyderabad which is covered by item 12 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[F. No. S-11017/8/97-IR(PL)]

J. P. PATI, Jr. Secy.